



## Planning and Transportation Committee

**Date:** MONDAY, 8 OCTOBER 2018

**Time:** 10.00 am

**Venue:** LIVERY HALL - GUILDHALL

**Members:**

Christopher Hayward (Chairman)	Alderman Gregory Jones QC
Deputy Alastair Moss (Deputy Chairman)	Shravan Joshi
Munsur Ali	Oliver Lodge
Rehana Ameer	Alderman Nicholas Lyons
Randall Anderson	Andrew Mayer
Peter Bennett	Deputy Brian Mooney
Sir Mark Boleat	Sylvia Moys
Mark Bostock	Barbara Newman
Deputy Keith Bottomley	Graham Packham
Henry Colthurst	Susan Pearson
Peter Dunphy	Judith Pleasance
Stuart Fraser	Deputy Henry Pollard
Marianne Fredericks	James de Sausmarez
Alderman Prem Goyal OBE JP	Oliver Sells QC
Graeme Harrower	Graeme Smith
Christopher Hill	William Upton
Deputy Jamie Ingham Clark	Alderman Sir David Wootton

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**Lunch will be served in Guildhall Club at 1PM**  
**NB: Part of this meeting could be the subject of audio visual recording**

**John Barradell**  
**Town Clerk and Chief Executive**

# **AGENDA**

## **Part 1 - Public Agenda**

1. **APOLOGIES**

2. **MEMBERS' DECLARATIONS UNDER THE CODE OF CONDUCT IN RESPECT OF ITEMS ON THE AGENDA**

3. **MINUTES**

To agree the public minutes and summary of the meeting held on 11 September 2018.

**For Decision**  
(Pages 1 - 14)

4. **MINUTES OF THE STREETS AND WALKWAYS SUB COMMITTEE**

To receive the minutes of the Streets and Walkways Sub Committee meeting held on 4 September 2018.

**For Information**  
(Pages 15 - 24)

5. **DELEGATED DECISIONS OF THE CHIEF PLANNING OFFICER AND DEVELOPMENT DIRECTOR**

Report of the Chief Planning Officer and Development Director.

**For Information**  
(Pages 25 - 38)

6. **VALID PLANNING APPLICATIONS RECEIVED BY DEPARTMENT OF THE BUILT ENVIRONMENT**

Report of the Chief Planning Officer and Development Director.

**For Information**  
(Pages 39 - 44)

7. **CREED COURT HOTEL**

Report of the Chief Planning Officer and Development Director.

**For Decision**  
(Pages 45 - 104)

8. **TENTER HOUSE 45 MOORFIELDS LONDON EC2Y 9AE**

Report of the Chief Planning Officer and Development Director.

**For Decision**  
(Pages 105 - 174)

9. **BARBICAN AND GOLDEN LANE PROPOSED CONSERVATION AREA**  
Report of the Chief Planning Officer and Development Director.
- For Decision**  
(Pages 175 - 188)
10. **REDEVELOPMENT OF 21 MOORFIELDS - ACQUISITION OF LAND**  
Report of the Chief Planning Officer and Development Director.  
*N.B.: Appendix 5 to this report will be considered in Non-Public session.*
- For Decision**  
(Pages 189 - 230)
11. **SITE VISITS FOR MEMBERS IN RELATION TO PLANNING APPLICATIONS**  
Report of the Chief Planning Officer and Development Director.
- For Decision**  
(Pages 231 - 232)
12. **PARKING ENFORCEMENT: PERMITTED LOADING AND UNLOADING DURATIONS**  
Report of the Director of the Built Environment.
- For Decision**  
(Pages 233 - 238)
13. **CONGESTION MITIGATION: PARKING, TRAFFIC & CYCLING ENFORCEMENT RESOURCES**  
Report of the Director of the Built Environment.
- For Decision**  
(Pages 239 - 248)
14. **GREEN INITIATIVES IN THE CITY**  
Report of the Director of the Built Environment.
- For Information**  
(Pages 249 - 256)
15. **OUTSTANDING REFERENCES**  
Report of the Town Clerk.
- For Information**  
(Pages 257 - 262)
16. **QUESTIONS ON MATTERS RELATING TO THE WORK OF THE COMMITTEE**
17. **ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT**
18. **EXCLUSION OF THE PUBLIC**

MOTION – That under Section 100(A) of the Local Government Act 1972, the public be excluded from the meeting for the following items on the grounds that they involve the likely disclosure of exempt information as defined in Part I of the Schedule 12A of the Local Government Act.

**For Decision**

**Part 2 - Non-public Agenda**

19. **NON-PUBLIC MINUTES**

To agree the non-public minutes of the meeting held on 11 September 2018.

**For Decision**  
(Pages 263 - 264)

20. **NON-PUBLIC MINUTES OF THE STREETS AND WALKWAYS SUB COMMITTEE**

To receive the non-public minutes of the Streets and Walkways Sub Committee meeting held on 4 September 2018.

**For Information**  
(Pages 265 - 266)

21. **NON-PUBLIC QUESTIONS ON MATTERS RELATING TO THE WORK OF THE COMMITTEE**

22. **ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT AND WHICH THE COMMITTEE AGREES SHOULD BE CONSIDERED WHILST THE PUBLIC ARE EXCLUDED**

**Any drawings and details of materials submitted for approval will be available for inspection by Members in the Livery Hall from Approximately 9:30 a.m.**



## **PLANNING AND TRANSPORTATION COMMITTEE**

**Tuesday, 11 September 2018**

**Minutes of the meeting of the Planning and Transportation Committee held at the Guildhall EC2 at 10.30 am**

### **Present**

#### **Members:**

Deputy Alastair Moss (Deputy Chairman, in the Chair)	Christopher Hill
Munsur Ali	Shravan Joshi
Rehana Ameer	Alderman Nicholas Lyons
Randall Anderson	Deputy Brian Mooney
Peter Bennett	Sylvia Moys
Sir Mark Boleat	Barbara Newman
Mark Bostock	Graham Packham
Deputy Keith Bottomley	Susan Pearson
Henry Colthurst	Judith Pleasance
Stuart Fraser	James de Sausmarez
Marianne Fredericks	William Upton
Alderman Prem Goyal OBE JP	Alderman Sir David Wootton
Graeme Harrower	

#### **Officers:**

Angela Roach	- Assistant Town Clerk
David Horkan	- Department of the Built Environment
Deborah Cluett	- Comptroller & City Solicitor's Department
Carolyn Dwyer	- Director of the Built Environment
Annie Hampson	- Chief Planning Officer and Development Director
Paul Monaghan	- Department of the Built Environment
Ian Hughes	- Department of the Built Environment
Natasha Dogra	- Town Clerk's Department
Simon Glynn	- Department of the Built Environment
Ted Rayment	- Department of the Built Environment
Richard Steele	- Department of the Built Environment
Alison Bunn	- City Surveyor's Department
Zahur Khan	- Department of the Built Environment
Gideon Stothard	- Department of the Built Environment

### **1. APOLOGIES**

Apologies for absence were received from Christopher Hayward (Chairman), Peter Dunphy, Deputy Jamie Ingham Clark, Oliver Lodge, Andrew Mayer, Deputy Henry Pollard, Oliver Sells, and Graeme Smith.

2. **MEMBERS' DECLARATIONS UNDER THE CODE OF CONDUCT IN RESPECT OF ITEMS ON THE AGENDA**

Susan Pearson declared a pecuniary interest in Items 7 and 8, and confirmed she had been granted dispensation to speak on this item.

3. **MINUTES**

Members noted that a number of outstanding references needed to be updated, including that on wind measurements for tall buildings which had been discussed at the previous meeting. A report would be brought to the November meeting of the Committee.

**RESOLVED** – That the public minutes and non-public summary of the meeting held on 26 July 2018 be agreed as a correct record.

4. **DELEGATED DECISIONS OF THE CHIEF PLANNING OFFICER AND DEVELOPMENT DIRECTOR**

The Committee received a report of the Chief Planning Officer and Development Director in respect of development and advertising applications determined by the Chief Planning Officer and Development Director or those so authorised under their delegated powers since the last meeting.

A Member confirmed that officers had circulated information on Communication Totems as requested at the last meeting, and that they had noted the volume of applications of this nature that were coming in. A Member added that this was an issue in Westminster, and that these applications were slowing down the appeal system as they were always appealed when refused.

The Director of the Built Environment responded that this was an issue across London and was recognised as such. The City of London Corporation had been successful with appeals, winning around 90% of them. A Member suggested that if a number of boroughs had concerns, the issue could be raised at a London Councils meeting.

In response to a query from a Member, the Director of the Built Environment confirmed that the lift would remain in place after the work on John Wesley Highwalk was completed.

**RESOLVED** - That the report be noted.

5. **VALID APPLICATIONS LIST FOR COMMITTEE**

The Committee received a report of the Chief Planning Officer and Development Director detailing valid development applications received by the Department of the Built Environment since the last meeting.

**RESOLVED** – That the report be noted.

6. **PUBLIC LIFT REPORT**

The Committee received a report of the City Surveyor providing an update in respect of the status of public lifts and escalators in the City. The City Surveyor

advised the Committee that since the publication of the report, the lift on Pilgrim Street was back in service, and all the lifts on the list were currently working.

A Member pointed out that it had previously been suggested that a system be developed to alert people to lift faults in advance, so that they found out before travelling to use the lift, and asked if there had been any progress in developing this system. The City Surveyor responded that details of faults were posted on the Corporation website. A provider for a real-time information service had been sourced and officers were looking at this in detail. It was hoped that this could be progressed in the next few months.

In response to a query from a Member, the City Surveyor confirmed that the Corporation was responsible for the lift at Blackfriars Bridge. The lift had frequent problems with vandalism, but more robust measures to protect it had been put in place.

Members felt that more thought about how to communicate with service users was needed as pedestrians were unlikely to look at the Corporation website for lift updates. Members suggested making more use of social media or including alerts on the Transport for London (TfL) website as part of the Journey Planner function, and asked for a report to be brought back to Committee.

**RESOLVED** – That the report be noted.

**7. GOLDEN LANE COMMUNITY CENTRE**

The Committee considered a report of the Chief Planning Officer and Development Director seeking planning permission for the change of use of part ground floor from community centre (class D1) to a mix of community centre and estate office use (sui generis). No physical alterations were proposed as part of the application.

The Chief Planning Officer and Development Director introduced the application to Members and presented the officer's report, informing the Committee about the details of the scheme and its wider implications. The application was recommended for approval, in accordance with the details set out in the schedule attached to the report.

Tim Godsmark, on behalf of the Golden Lane Residents Association, addressed the Committee in objection to the application. The residents did not feel that the estate office should be moved, and only 22% supported the move. The move would take away community centre and community-use office space. The application would contravene Policy DM22.1 as there was no proposal in the application to replace the communal and recreational space lost. The application also did not evidence a lack of need or an options appraisal, and underuse of the facilities had not been demonstrated.

The space was too small for the intended use in the application, and could not fit all the parties proposed to use it. The hotdesking system suggested would result in extra staff hanging around the estate and there would be a reduction in access to the space for residents. Other feasible areas in the estate had not

been considered for the move, and there had been a lack of trust in the process so far. Residents were concerned that this move would be the thin end of a wedge. The Committee was urged to refuse the application, on the basis that evidence that alternatives had been considered had not been demonstrated, and the application contravened policy.

Jacqueline Swanson also addressed the Committee in objection to the application. The refurbishment of the community centre had been anticipated by residents and many wanted to be a part of it, but there were a lot of concerns over the application. The needs of the estate office should be contained, and it was felt there would not be space to meet the needs of three offices. Any overspill would make it difficult to ensure data protection, and the lack of private space to deal with vulnerable or angry residents discreetly.

Residents were concerned about office staff, particularly the receptionist, as there would be too much traffic and footfall through the building. There was an eager team of resident volunteers ready to help, who would need access to the office. There would not be enough space, and the proposal was not fit for purpose, with a disregard for privacy and the planning process. The shared office space would be intimidating for more vulnerable residents and would create undue stress on staff.

Andrew Carter and Jacquie Campbell addressed the Committee in support of the application. The aim of the scheme was to develop a vibrant and thriving community centre that was a local hub for residents, and had key staff on site and available to them. The proposed model had proved effective in other boroughs such as Islington and Hackney. The proposal would make the community centre more welcoming, more relevant and more accessible. Estate staff were part of the estate and were familiar faces that the most frequent users of the office trusted. The additional income that was part of the proposal was vital to sustaining the community centre, otherwise it would not be viable in the short to medium term.

Between three and five members of staff were proposed to be on site, and health and safety officers had adjudged the space to be big enough for five or six members of staff, plus storage space. The space proposed for the estate office had not previously been community space and was designated as storage and office space. The new centre would retain the interview room, and officers undertook home visits to support residents with mobility or mental health issues. Currently, visits by residents to the office were mostly routine rather than about sensitive issues or emergencies, and the current estate office did not have a confidential room.

The cost savings as a result of the move would mean that subsidies from Housing Revenue Account would no longer be required. Officers had walked around the space with residents and felt there was a more than adequate amount of room, which was backed up by health and safety inspections. It was not certain whether the building would be subject to business rates. The interview room was not large enough to be accessible for wheelchair users, and therefore home visits would need to be undertaken. Other options for the estate

office had been considered but were not viable, with issues like lack of daylight, and did not have the same hub feeling as the community centre. A disability impact assessment had not been undertaken.

With regards to planning policy, there was no loss of communal or recreational space, and it was felt the proposal would enhance community space rather than take it away. The space was previously unused office space and had not been part of the hall or the classroom. Prior to refurbishment, the centre had been run by a resident-led committee and had not been financially viable.

The Comptroller & City Solicitor clarified the relevant planning issues for the Committee. As there was no reduction in facility, the consideration of alternative spaces was not relevant as there was no policy non-compliance. The scheme was considered to be acceptable in planning terms. The details and configuration of operational arrangements were considered housing management matters rather than planning matters.

Members of the Committee then debated the application. A Member said that the application was forgetting of the use of volunteers at the centre, and that they did not think evidence of underuse had been demonstrated. The space was for the community and an alternative space for volunteer groups had not been offered.

A Member drew the Committee's attention to a point raised by an objector, that the refurbishment of the community centre had been granted with guarantee that there were no plans to move the estate office there, and that residents ultimately lost a consultation opportunity as a result. Furthermore, there was a misleading point repeated several times in the report, as while most residents favoured no change, it was emphasised that 84% of residents preferred the estate office to be moved to the community centre over the Barbican Estate office, which was not relevant to the application. The proposal was clearly not supported by residents, and as their objections had not been addressed, Members should vote against the application.

A Member stated that they objected on practical grounds, as if the centre would not have enough space for wheelchair users it was not going to work. Officers were asked if they had looked at the disability issue, as proper facilities had to be ensured. A Member added that access was a planning matter and the Committee needed specific reassurances on this.

A Member said that they could not see any strong reason to object on planning grounds but recognised the challenges that the Department of Community and Children's Services would have in managing the centre.

In response to Members' queries officers suggested that if the recommendation was agreed, to add a condition in relation to the provision of the meeting room and inclusive design, to comply with Policy DM10.8.

Arising from the discussion, the application was then put to the vote amongst eligible Committee Members, with 13 voting for and 10 voting against the application, with no abstentions.

**RESOLVED** – That planning permission be granted for the above proposal in accordance with the details set out in the attached schedule, subject to an additional condition to address accessibility of the interview room, the wording of the condition to be delegated to the Chief Planning Officer in consultation with the Chairman and Deputy Chairman.

8. **GREAT ARTHUR HOUSE, GOLDEN LANE ESTATE, LONDON EC1Y 0RE**

The Committee considered two reports of the Chief Planning Officer and Development Director, seeking approval for planning permission, and listed building consent, to convert part of the ground floor to three flats (one, one bedroom and two, two bedroom) that would be let on a social rent basis.

The Chief Planning Officer and Development Director introduced the application to Members and presented the officer's report, informing the Committee about the details of the scheme and its wider implications. The Committee was advised that Historic England had confirmed that they were not required to be consulted on the application. Officers also wanted to add a condition that an electric vehicle charging point must be provided alongside the disabled car parking bay.

The facilities that would be lost by approving the applications would be mitigated by the approval of the Golden Lane Community Centre application, as it provided replacement facilities in accordance with Policy DM22.1. Both applications were recommended for approval in accordance with the details set out in the schedule attached to the report.

Tim Godsmark, on behalf of the Golden Lane Residents Association, addressed the Committee in objection to the scheme. Whilst residents were not opposed to social housing, the scheme was fundamentally flawed, unsafe and unworkable, with substandard accommodation. The units had rooms backing on to the car park, and the main pedestrian routes which would expose the occupants to noise and exhaust fumes, and inhibit their privacy, with further implications for security. The design of the units also raised issues with regards refuse disposal, fire safety and escape routes.

It was rumoured that one unit was to be commercially rented for respite care. This was an arrangement already in place in two other City social housing units and was not appropriate. This would also represent a different use and would require a further application. The building had also not properly been surveyed, and the current storeroom which was planned to be a bedroom would have inadequate ceiling space due to the podium it was built on, the ceiling height being below two metres.

Chamoun Issa, a resident in Great Arthur House, also addressed the Committee in objection to the scheme. The scheme violated the listed building management process and went against guidelines. There was a need to

preserve the architecture of Great Arthur House and the alterations were ill-considered and inconsistent with the rest of the building. Great Arthur House was designed for one-bedroom flats and the size of the units were therefore inappropriate.

The consultation process had been flawed and there had only been one meeting with residents, in 2017, and the plans had not changed since then. The Committee was urged to reject the application for the residents of the estate, and to approve it would demonstrate a willingness to engage in a flawed process.

Andrew Carter and James Ilsley then addressed the Committee in support of the application. Members were aware of the ongoing housing crisis, and the lack of affordable housing was most acute in London. The waiting list for social housing was very long, and the wait for a two-bedroom, fully accessible flat was an indefinite wait as there were currently no units of this type in the Square Mile. Tenants had previously left the estate due to a lack of accessibility. Residents demanded more social housing, and this was a rare opportunity to support vulnerable families and individuals.

The unit to the north-east by the car park would have planters in defensible space, in keeping with the character of the building and with enough distance to mitigate noise and pollution concerns. The closest parking space would be designated as a disabled space. As the flats were on the ground floor, the fire escape route would be through the main doors. Doors would also be built in to give access to the refuse chute.

With regards to the listed building management, the window frames were not changing, and the building had recently been double-glazed. The film that would be applied to the windows was not new to the estate, and frosted windows were already in place in Stanley House. The applicant was not aware of the ceiling height issue and assumed this was something the architect had considered. The unit could be turned into a one-bedroom flat if the room in question was deemed unsuitable for a bedroom or bathroom. There was no proposal to rent one of the units on a commercial basis.

Members of the Committee then debated the application. A Member asked why the application was under consideration if it could not be done. A Member asked for clarification on the ceiling height issue and whether it was in accordance with the London Plan. The Committee was advised that it was only one room that was in question with regard to ceiling height.

A Member stated that a two-bed, fully accessible flat was much-needed, but was better for long-term use, and there were concerns about it subsequently being used for a different purpose. The Committee did not need to consider the application, as the application was for a two-bedroom flat which would not work with the application as it is, and the scheme was therefore flawed.

A Member added that Great Arthur House had a special place in architectural history, and flats were not built on the ground floor for a reason. The concept of

the building was centred on quality accommodation and to squeeze substandard accommodation in would comprise the vision of Great Arthur House.

The Comptroller and City Solicitor advised the Committee that there was no need for a different permission to change a unit from a two-bedroom flat to a one-bedroom flat, but there may be an issue relating to Listed Building Management. The Committee was still able to approve the application if it was so minded, and if further permission or a further application was needed this could be done later.

Arising from the discussion, both the planning application and the listed building consent were then put to the vote amongst eligible Committee Members, with 16 voting for and 5 voting against the applications, with 1 abstention.

#### **RESOLVED –**

- a) That planning permission be granted for the above proposal in accordance with the details set out in the attached schedule, with an added condition electric vehicle charging point must be provided alongside the disabled car parking bay; and
- b) (1) That listed building consent be granted for the above proposal in accordance with the details set out in the attached schedule subject to the provision that no objection be received from Historic England or the Twentieth Century Society; or  
  
(2) Should an objection be received from Historic England or the Twentieth Century Society, that the Chief Planning Officer be authorised to make an application to the Secretary of State for determination in accordance with Regulation 13 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990 (as amended) informing the Secretary of State that the City of London would be minded to grant listed building consent in accordance with the details set out in the attached schedule if it were determining the application.

#### **9. DOCKLESS CYCLE HIRE REVIEW**

The Committee considered a report of the Director of the Built Environment, proposing that the current policy on dockless cycle hire be continued until the City of London Transport Strategy is adopted early next year, at which point the policy will be reviewed and updated. The report also proposed adopting additional measures to improve the management of dockless cycle hire, including Street Environment Officers proactively removing bikes in accordance with the City of London Corporation's Street Obstruction Policy.

The Director of the Built Environment introduced the report, acknowledging the increase in the use of dockless bikes, and advising that the Street Obstructions Policy would be brought back before Members for review, having last been agreed in 2014. The legal advice given was that the Corporation could not stop dockless cycle hire operators from operating within the City, but could enforce



on obstructions. Officers would continue to review and try to enhance these powers and continue to work with operators. On balance, it was believed the dockless cycles provided an amenity and would feature in the upcoming Transport Strategy. However, the Corporation could be more proactive about tackling obstructions.

Officers were taking the issue seriously, and felt more time was needed to work with operators, continue to look at what was happening in other areas, and gather more data about the extent of any problems.

**RESOLVED** – That the Planning & Transportation Committee approve:

- a) The continuation of the current dockless cycle hire policy until the Transport Strategy is adopted and the policy updated accordingly;
- b) The adoption of additional management measures for dockless cycle hire operations during this period; and
- c) Support to London Councils in their review of the potential for a London-wide byelaw to regulate dockless cycle hire.

10. **TUDOR STREET/NEW BRIDGE STREET - UPDATE REPORT**

The item was withdrawn.

11. **ADOPTION OF THE CITY LIGHTING STRATEGY**

The Committee considered a report of the Director of the Built Environment seeking approval for the adoption of the revised City Lighting Strategy and informing Members of the results of public consultation and the subsequent revisions to the document.

The Director of the Built Environment reiterated the objectives of the strategy and advised Members that it should be seen as an opportunity. There would be an emphasis on linking the strategy with the planning process as this had been a consistent feature in consultation feedback, and officers were looking at producing a guidance note for developers to this end. The rollout of LED lights was currently in progress. The proposals were seen as ground-breaking and the City was being praised for its approach.

A Member advised officers that there was a row of street lights by St. Giles that were permanently on. The issue had been reported. The Director of the Built Environment responded that an old system was still in place in the area and the control system was currently being changed.

A Member praised the strategy which made it easy to alter levels of light and boasted incredible possibilities.

**RESOLVED** – That the Planning & Transportation Committee:

- a) Approve the proposed amendments to the City Lighting Strategy document set out in Appendix 2;

- b) Endorse the City Lighting Strategy for onward approval by the Court of Common Council; and
- c) Approve the development of a Planning guidance document on lighting, as suggested in the Strategy's recommendations.

*At this point, the Chairman sought approval from Committee Members to continue the meeting beyond two hours from the appointed time for the start of the meeting, in accordance with Standing Order 40, and this was agreed.*

## **12. CULTURE MILE LOOK AND FEEL STRATEGY**

The Committee considered a report of the Director of the Built Environment seeking approval for the adoption of the Culture Mile Look and Feel Strategy and to inform Members of the results of the public consultation and the subsequent revisions to the Strategy. The strategy would also be referred to the Court of Common Council for approval.

The Director of the Built Environment introduced the report. The draft strategy had previously been submitted to Members, and there had been plenty of consultation and engagement since this point. There had been a well-attended briefing for Members in the previous week. The Look and Feel strategy supported the aims of the Culture Mile Strategy and built on previous work.

A Member suggested the strategy could do more to bring out vision and ambition, particularly with regards to Smithfield Market. The Corporation should be ambitious in what it aimed for given the importance of the site. A Member added that the strategy could be spread beyond the Culture Mile to encourage more walking around the City, and the name could even be changed to the Culture Square Mile. The strategy was supported but officers should be working with Highways to consider options for Beech Street, given the pollution issues. The Director of the Built Environment responded that this was in progress and there was reference to air quality in the strategy, which was critical for its success.

**RESOLVED** – That the Planning & Transportation Committee adopt the Culture Mile Look and Feel Strategy, the Detailed Delivery Plan and Evidence Base document.

## **13. WEST SMITHFIELD AND CHARTERHOUSE STREET (THAMESLINK) BRIDGES REMEDIAL WORKS**

The Committee considered a report of the Director of the Built Environment relating to essential structural maintenance and repairs at two highway structures over the Thameslink railway near Smithfield Market.

A Member stated that this issue had been raised before and it was pleasing that the report was also being presented to the Corporate Asset Sub-Committee. It was important to understand that the costs given were indicative and may escalate.

**RESOLVED** – That the Planning & Transportation Committee agree that:

- a) Option 2 from the Options Appraisal Table is approved (i.e. full programme of works identified to both bridges)
- b) The project budget of £684,000 is approved (inclusive of £100,000 risk allowance)
- c) Currently approved Cyclical Works Programme (CWP) funding of £230,000 is transferred to this project and managed under the Gateway project procedures
- d) Additional funding of £323,000 from the Additional Capital Funds for City Fund Properties Programme (as approved by RASC 18<sup>th</sup> January 2018) is allocated to the project & managed under the Gateway project procedures
- e) Additional funding of £131,000 from savings in the 2016/17 Additional Works Programme (AWP) is allocated to the project and managed under the Gateway project procedures

**14. CITY FUND HIGHWAY DECLARATION - SHOE LANE & STONECUTTER STREET, EC4**

The Committee considered a report of the City Surveyor, seeking approval to declare a volume of airspace situated above 1,634 ft<sup>2</sup> (151.80 m<sup>2</sup>) of City Fund highway land at Shoe Lane and Stonecutter Street, EC4 to be surplus to highway requirements to allow its disposal in conjunction with the permitted development scheme at Shoe Lane and Plumtree Court, EC4.

**RESOLVED** – That the Planning & Transportation Committee declare a volume of City Fund highway land above an area of highway measuring 1,634 ft<sup>2</sup> (151.80 m<sup>2</sup>) situated in Shoe Lane and Farringdon Street, EC4 to be surplus to highway requirements to enable its disposal upon terms to be approved by the Corporate Asset Sub Committee and subject to the City Corporation retaining ownership of the highway and the continuing highway functions.

**15. CITY FUND HIGHWAY DECLARATION - 42/44 BISHOPSGATE, EC2**

The Committee considered a report of the City Surveyor seeking approval to declare a volume of City Fund airspace above an area of highway at Great St Helens, EC2 to be surplus to highway requirements to allow its disposal in conjunction with the development scheme at 22 Bishopsgate, EC2.

**RESOLVED** – That the Planning & Transportation Committee declare a volume of City Fund airspace above the highway at Great St Helen's EC2 measuring 43ft<sup>2</sup> (3.97m<sup>2</sup>) and between datum levels to be determined by the City Surveyor to be surplus to highway requirements which will preserve the highway stratum and the continuing highway functions therein to enable its disposal upon terms to be approved by the Corporate Asset Sub Committee.

**16. DEPARTMENT OF THE BUILT ENVIRONMENT RISK MANAGEMENT - QUARTERLY REPORT**

The Committee received a report of the Director of the Built Environment, providing the Committee with assurance that risk management procedures in place within the Department of the Built Environment are satisfactory and that

they meet the requirements of the corporate Risk Management Framework. The Director of the Built Environment introduced the report and advised the Committee of the key points.

A Member advised that the risk relating to the Lord Mayor's Fireworks should be put back on the register for 2019 as it may be reintroduced in future years.

With regards to the risk on road safety, a Member commented that the reputational damage to the City was trivial compared to the impact on the victims of accidents and their families, and the current wording implied that the City was more concerned about its reputation than safety. The Director of the Built Environment responded that as there would always be casualties, presenting the risk differently would mean it always carried the top rating. A Member added that Bank Junction was not the only concern with regards to road safety as Ludgate Circus was also problematic and should be captured on the risk register. The Director of the Built Environment advised the Committee that Road Safety would be the subject of an upcoming deep dive by the Audit & Risk Management Committee.

In response to a query from a Member, the Director of the Built Environment advised that the risk relating to staff retention was being considered as part of another risk.

A Member requested that a briefing session be arranged for Members on the final version of the National Policy Planning Framework, which had been released in July.

**RESOLVED** – That the report be noted.

**17. REPORT OF ACTION TAKEN**

The Committee received a report of the Town Clerk advising Members of action taken by the Town Clerk since the last meeting of the Committee, in consultation with the Chairman and Deputy Chairman, in accordance with Standing Order Nos. 41(a) and 41(b).

**RESOLVED** – That the report be noted.

**18. OUTSTANDING REFERENCES**

The Committee received a list of outstanding references. The Committee noted that the item on Ludgate Circus needed to be updated. The Director of the Built environment advised that the cleansing team had done a site visit of Blackfriars Bridge Underpass and work was ongoing. A Member thanked officers for the work done so far, and advised that the underpass had been redecorated and there was visible improvement, but more overhead lights needed to be replaced, and the gullies at the side should be treated for sewage. Whilst a deep clean may be expensive, the costs should be considered.

**RESOLVED** – That the list of outstanding references be noted, and should be updated ahead of the next Committee meeting.

19. **QUESTIONS ON MATTERS RELATING TO THE WORK OF THE COMMITTEE**

A Member asked whether the Chairman was planning to invite representatives of City Residents Associations to the Committee dinner later that year. The Deputy Chairman, in the Chair, advised that this would be passed on for the Chairman to consider.

A Member asked for an update on the plans for Queenhithe Riverside Walkway. The Chief Planning Officer responded that officers would take this away and circulate a full response to Committee Members.

20. **ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT**

The Committee was advised that the Streets & Walkways Sub-Committee had requested that the Planning & Transportation Committee amend its composition to enable the Sub-Committee to invite the Port Health & Environmental Services Committee to nominate one Member to the Streets & Walkways Sub-Committee, in order to ensure the Sub-Committee's deliberations were tied in with pollution issues in the City.

**RESOLVED** – That the composition of the Streets & Walkways Sub-Committee be amended accordingly, and that the Port health & Environmental Services Committee be invited to nominate one Member to the Streets & Walkways Sub-Committee.

21. **EXCLUSION OF THE PUBLIC**

**RESOLVED** – That under Section 100(A) of the Local Government Act 1972, the public be excluded from the meeting for the following items on the grounds that they involve the likely disclosure of exempt information as defined in Part I of Schedule 12A of the Local Government Act.

<b>Item No.</b>	<b>Exempt Paragraphs</b>
22 – 23	3
24 – 25	-

22. **NON-PUBLIC APPENDIX: TUDOR STREET/NEW BRIDGE STREET - UPDATE REPORT**

The item was withdrawn.

23. **LONDON BRIDGE STAIRCASE**

The Committee considered a report of the Director of the Built Environment.

24. **NON-PUBLIC QUESTIONS ON MATTERS RELATING TO THE WORK OF THE COMMITTEE**

There were no questions.

25. **ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT AND WHICH THE COMMITTEE AGREES SHOULD BE CONSIDERED WHILST THE PUBLIC ARE EXCLUDED**

There was no other business.

**The meeting closed at 1.00 pm**

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Chairman

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## **STREETS AND WALKWAYS SUB (PLANNING AND TRANSPORTATION)** **COMMITTEE**

**Tuesday, 4 September 2018**

**Minutes of the meeting of the Streets and Walkways Sub (Planning and Transportation) Committee held at the Guildhall EC2 at 10.30 am**

### **Present**

#### **Members:**

Christopher Hayward (Chairman)	Alderman Gregory Jones QC
Oliver Sells QC (Deputy Chairman)	Paul Martinelli (Ex-Officio Member)
Randall Anderson	Deputy Alastair Moss
Deputy Keith Bottomley	Barbara Newman
Marianne Fredericks	Graham Packham
Alderman Alison Gowman (Ex-Officio Member)	

#### **Officers:**

Joseph Anstee	- Town Clerk's Department
Olumayowa Obisesan	- Chamberlain's Department
Karen McHugh	- Comptroller & City Solicitor's Department
Iain Simmons	- Department of the Built Environment
Ian Hughes	- Department of the Built Environment
Alan Rickwood	- City of London Police
Simon Glynn	- Department of the Built Environment
Sam Lee	- Department of the Built Environment
Mark Lowman	- City Surveyor's Department
Leah Coburn	- Department of the Built Environment

### **1. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Deputy Jamie Ingham Clark.

### **2. MEMBERS' DECLARATIONS UNDER THE CODE OF CONDUCT IN RESPECT OF ITEMS ON THE AGENDA**

Alderman Alison Gowman declared an interest in Item 5 by virtue of living in the vicinity of Beech Street.

Graham Packham declared an interest in Item 6 by virtue of living in the vicinity of Tudor Street.

### **3. MINUTES**

The Committee noted that Alderman Alison Gowman had given her apologies for the previous meeting and this was not recorded in the minutes.

**RESOLVED** – That, pending the above correction, the minutes of the meeting held on 3 July 2018 be approved as a correct record.

4. **OUTSTANDING REFERENCES**

The Committee received a list of outstanding references.

Swan Pier

The City Surveyor advised the Committee that work was on target for completion in February 2019.

Members queried whether the works related to the pier itself or the flood defence wall, and whether there would be any legal ramifications if the pier was taken out, even temporarily. The Chairman asked for officers to prepare a response to all Members of the sub-Committee as there was some confusion around the project.

22 Bishopsgate

The Director of the Built Environment advised the Committee that the negotiations over public realm improvements had been successful. It was hoped that a legal agreement with the developer would be in place by October 2018 and that work could start in late October or early November 2018.

The Sub-Committee noted that Dockless Bikes was on the agenda for the meeting, and that a report on ATTRO had been received by the Planning & Transportation Committee on 26 July 2018. Members asked that an annual report on ATTRO be submitted.

Members asked that two items be added to the list of Outstanding References:

Committee Structure

Members had previously discussed asking the Port Health and Environmental Services Committee to nominate a Member to the Sub-Committee, to ensure pollution issues were tied in with the Sub-Committee's discussions. Members agreed that the Planning & Transportation Committee should be asked to amend the terms of reference of the Sub-Committee to include one member of the Port Health & Environmental Services Committee, and to invite the Port Health & Environmental Services Committee to nominate one Member to the Streets & Walkways Sub-Committee.

Fann Street

The Director of the Built Environment advised the Sub-Committee that further work had been done to improve the street from U-turning traffic. An independent study had been undertaken which had resolved that it would not be unsafe to take away the current banned U-turn at the Aldersgate Street/Fann Street junction. Subject to the outcome of consultation with ward Members, the changes would be made in the next few weeks.



5. **BEECH STREET: TRANSPORT AND PUBLIC REALM IMPROVEMENTS**

The Sub-Committee considered a report of the Director of the Built Environment concerning the Beech Street Transport and Public Realm Project. The report had been resubmitted following its original submission in July, with increased scope for the project, an increased emphasis on air quality, and more consideration given to the possibility of a City-wide traffic model which could be applied to the area.

This model could have several aspirational City schemes input into it to understand cumulative traffic impacts, more discussions are to follow between City officers and TfL as well as Islington Council who were working on a project for the Clerkenwell Road area. Officers had also undertaken structural investigation work and ground radar surveys were ongoing.

The Chairman noted that 2024 felt like a long timescale, and that if there were options to bring this forward they should be explored, including high-level political intervention if necessary. A Member suggested that this could be an opportunity to work closely and cooperate with TfL as a way forward. The Director of the Built Environment advised that officers had been working with TfL and had offered the City as a pilot for their model.

Members discussed the timescales of the project, noting that whilst 2024 was an unattractive target, in light of the scale and significance of the project it might be necessary and that it was comparable to other similarly complex projects such as Aldgate. The Chairman concurred but felt it was necessary to keep pressing on this project, politically and with TfL, and it was agreed that regular updates should be provided to the Committee as a standing item. It was important for the project to be done correctly and with minimal impact on neighbours. A Member suggested that it might be more efficient to simply ban polluting vehicles from the tunnel. Members asked about the timescales for the TfL model and detailed designs to be developed.

The Director of the Built Environment responded to questions from Members. The recommendations included a request to increase the scope of the project to explore the possibility of introducing Ultra-Low Emission Vehicle restrictions in Beech Street. Early indications were that it would take 12-18 months for the TfL model to be developed. The detailed design phase carried a timescale of 14 months as Beech Street was complicated structurally, and the project would need to tie in with other works. The timescales attached were a best guess and whilst there would be ways to speed things up such as overlapping works, these would often carry risks. Officers would work with Members to explore ways the project could be accelerated, and agreed to update officers on the project at each meeting.

A Member asked if the Ultra-Low Emissions Vehicles restrictions could be implemented quickly. The Director of the Built Environment responded that officers would look at other Boroughs and report back.

**RESOLVED** – That the Streets & Walkways Sub-Committee:

1. Note the vision for Beech Street as approved by the Policy and Resources Committee, which includes the reduction of traffic, improvements to the public realm, widening of footways and improvements in air quality;
2. Note the separation of the podium water-proofing, property redevelopment and transportation & public realm projects, to follow individual Gateway paths and reporting times;
3. Note the results of the traffic and public realm work done so far;
4. Note the key project risks, next steps & programme.
5. Approve further development of the feasibility of Option 1 (Beech Street closed to eastbound traffic) and Option 2 (Beech Street closed to westbound traffic);
6. Approve an increase in the scope of the project (requested by the Port Health & Environmental Services Committee) to investigate the feasibility of introducing Ultra-Low Emission Vehicle restrictions in Beech Street;
7. Approve the proposed procurement route for consultancy services utilising the City's Highways Term Contract;
8. Approve an increase in the estimated project budget of £1,526,435, to £1,745,362 to fund the project to Gateway 4, subject to the procurement of the relevant consultancy appointments;
9. Approve the allocation of Public Realm and Local Transport Improvement CIL funds to fund the development of the project to Gateway 4;
10. Delegate authority for any adjustments between elements of the budget to the Director of the Built Environment in conjunction with the Chamberlain's Head of Finance provided the total approved budget of £1,745,362 (subject to procurement) is not exceeded and the scope remains unchanged; and
11. Ask that officers explore ways to accelerate the project if appropriate, and that officers update Members on the project at each meeting of the Streets & Walkways Sub-Committee.

6. **TUDOR STREET/NEW BRIDGE STREET - UPDATE REPORT**

The Chairman proposed that the item be withdrawn, as the other planned activities in the area meant that funding for the project in its present guise was unlikely to be agreed. The timing was not right, and a number of issues including which projects would be deferred needed to be settled before the project could proceed.

A Member requested that a report or a presentation be brought to the Sub-Committee on the Temple Area Traffic Study, as it would inform future decisions. The Member was also concerned with the arrangements of using a third-party transport consultant to review the Embankment access. Another Member queried what the City was doing regarding a recent injury collision at the Tudor Street/New Bridge Street junction.

The Sub-Committee was advised that as part of the Temple Area Traffic Review project, a further report setting out the findings would be submitted to this committee soon. The arrangements to use a third party had previously been agreed by Members. The Sub-Committee was assured that any proposals would be scrutinised by Corporation officers who would undertake their own due diligence and provide advice on anything brought before Members. A copy of this agreed arrangement will be circulated. The Sub-Committee was advised that officers would continue to discuss the safety performance of the current junction with TfL to see what safety improvements they could make.

The Sub-Committee agreed to withdraw the item.

**7. BANK ON SAFETY: FURTHER DETAIL ON THE ADDITIONAL FUNDS SOUGHT**

The Sub-Committee received a report of the Director of the Built Environment giving further detail on additional funds sought for the Bank on Safety scheme, subject to the outcome of the decisions of the Policy & Resources Committee and Court of Common Council on 6 September 2018 and 13 September 2018 respectively.

The Director of the Built Environment gave Members an overview of the small package of enhancement works planned in advance of the All Change at Bank project. Members noted the proposed timescale set out in the report, and that resources would be allocated to complete the works as quickly as possible.

**RESOLVED** – That the report be noted.

**8. ADOPTION OF THE CITY LIGHTING STRATEGY**

The Sub-Committee received a report of the Director of the Built Environment concerning adoption of the City Lighting Strategy. The strategy would introduce significant changes including upgrades to LED lights. The public consultation on the strategy had been well-received. There would be an emphasis on linking the strategy with the planning process as this had been a consistent feature in consultation feedback, and officers were looking at producing a guidance note for developers to this end.

Members praised the strategy and commended officers for their work, adding that the consultations had been very well-organised. Members of the Sub-Committee endorsed the recommendations that would be put to the Planning & Transportation Committee on 11 September 2018.

**RESOLVED** – That the report be noted.

## 9. **DOCKLESS CYCLE HIRE REVIEW**

The Sub-Committee received a report of the Director of the Built Environment concerning the City of London Corporation's dockless cycle hire policy. Officers had reviewed the policy and confirmed that the Corporation does not have the power to prevent dockless cycle operators from operating within the City, but has the power to remove cycles if they were deemed to be causing an obstruction, danger or nuisance.

The recommendation was that officers would investigate whether additional management measures could be applied pending the adoption of the City's new Transport Policy and in the meantime the Corporation could be more proactive in removing cycles in accordance with the Street Obstructions Policy. The Sub-Committee was advised that TfL was consulting on devising a London-wide byelaw which would enable the Corporation to licence dockless bike operators in coordination with other boroughs and TfL.

The Comptroller & City Solicitor drew the Sub-Committee's attention to the legal advice set out in the report. Whilst Members' frustrations were understandable, the matter had been looked at very carefully, and the general law does not permit the City to ban operators from operating in the City. Officers were continuing to work closely with the operators, and the Corporation retained the right to remove any dockless bikes that were an obstruction, nuisance or danger.

Members suggested that the opportunity be taken to undergo a wider review of the Corporation's Street Obstruction Policy to reconsider issues such as A-boards, road signs, and people congregating in large numbers to drink outside pubs. The current Street Obstructions Policy was agreed in 2014 and may need to be updated given the greater number of pedestrians in the City today. Members asked that a report be brought back on street obstructions generally.

A Member commented that the City had power to prosecute obstructions of the highway. A Member asked what was happening with regards to dockless cycles in other London Boroughs and cities elsewhere. The Director of the Built Environment responded that experience varied, but most London Boroughs had reported similar experiences to that of the City of London. TfL had a working group that was focussed on the issue in London. Mobike was withdrawing from Manchester because of operational issues and operators were now focussing more on London as they worked towards a profitable business model. Other countries had different experiences, affected by their relevant laws, China's had been well documented; some US cities had banned them, others had problems with electric scooters. Most cities were having to balance encouragement of cycling with the fact that it could be a challenge to manage.

A Member enquired about the fee of £82.58 charged for removing a cycle and how this figure was reached. The Director of the Built Environment responded that the figure was the same as that applied to individual (private) bikes and could be reviewed.

A Member expressed disappointment that the report did not address comments or provide information requested by Members, such as measures introduced in other countries who seemed to have stricter rules, like Singapore, who operated on a basis of licensing all dockless cycle operators, with a limited number of licences available. The Corporation had the power to deal with obstructions and needed to make more use of those powers. The report needed to provide further detail about removals such as its impact on officer resources. It was suggested that officers look at the Metropolitan Streets Act 1867 and Schedule 4 of the Environment Act 1990, which had for example enabled authorities to take stricter action against supermarket operators when the dumping of shopping trolleys had become a problem.

A Member argued that the City of London was not a suitable location for dockless cycles and the operators should be told that they were not allowed to use the City of London. The Member highlighted limited capacity on the City's streets and the Corporation's responsibility to account for the impact of street obstructions on disabled people, as the streets could be difficult to navigate for them. It should be suggested that dockless bikes could be ridden in the City - but could only be parked outside of the City.

A Member suggested that the service could be a real benefit if it was well-run, and a possible way forward might be to designate areas where the cycles could be left, such as car parks like Baynard House. A Member added that it was not clear how significant an issue the cycles were as obstructions, as the report stated that poorly-parked cycles had often been ridden away by a customer between the cycle being reported to officers and the operator reaching the location. It was noted that the City's SEO or City Police had only had to remove bikes on three occasions since November 2017.

A Member asked officers to clarify whether the City of London was a Participating Borough (for the purposes of TfL's Code of Practice (Dockless bike share)). The Director of the Built Environment responded that the Corporation had not entered into a Memo of Understanding with operators as officers had been advised that these did not carry weight. The City has formal arrangements with 2 operators. Designated parking areas had been suggested before and work on this proposal could be brought forward. Geofencing was raised and it was suggested that the Corporation could give preferred locations to operators. Officers commented that the GPS technology on the bikes was not sophisticated enough to trigger charges if the bikes were left in the wrong location, as it was only accurate to within 100 metres. However, different technology such as Bluetooth could be explored. Mobike has a surcharge system for bikes left outside their operating area (which currently includes the City).

The Director of the Built Environment advised the Sub-Committee that the current arrangements with operators could be revoked and the operators could be asked not to operate within the City, but legally the Corporation could not stop them from doing so. A Member responded that the main issue was with using public pavement space. The operators could hire car parking space or private land to station their bikes. Provision for private bikes was already

limited. The Corporation should take the proactive course of saying that dockless bikes could not be parked on public pavements to ensure the pavements were kept clear and safe, and if the operators wanted to so trade, they should follow the same rules as others. This would not be banning the bikes from the City but only from the public highway.

The Director of the Built Environment responded that officers needed time to assess the degree of obstruction being caused and to develop an understanding of the scale of any negative impacts that the bikes were causing. The upcoming Transport Strategy would also identify the level of public amenity provided by dockless cycle schemes, which could be set against the issue of obstructions. It was requested that officers be given time to gather more data and bring a further report back at a future meeting.

The Comptroller and City Solicitor advised the Sub-Committee that revoking the current arrangements with operators would not give the Corporation greater powers to act against them and would not make a difference to the City's current ability to remove the bikes where they are causing an obstruction danger or nuisance. The Sub-Committee was advised that the City had a better ability to manage the situation if it continued to work with operators under the current arrangements, and that the Corporation would be better off being part of a London-wide model. Members' suggestions on previous legislation could be fed back into the discussions taking place on the establishment of a London-wide byelaw.

A Member stressed the need for a measured and proportionate response. A co-ordinated approach with other boroughs should be the central means of working with operators so that there is regulation across Central London, but officers need to keep up the momentum so as to make progress with this. Members recognised the need for a proper enforceable legal agreement with operators.

#### **RESOLVED –**

a) That officers take the comments of the Sub-Committee into account and produce this note of the Sub-Committee's discussion, and previous reports, to the Planning & Transportation Committee ahead of consideration of the matter by the Planning & Transportation Committee; and

b) That officers be instructed to bring a report back to the Sub-Committee on the Corporation's Street Obstructions Policy for review.

#### **10. QUESTIONS ON MATTERS RELATING TO THE WORK OF THE SUB COMMITTEE**

A Member asked about the current situation with Cadent, and what formal work was being done to address it. The Director of the Built Environment responded that central London as a whole was experiencing the same issues as the City due to the age of the gas main network in place. There had been 8 major gas main failures recently, and officers were pushing for the mains to be replaced rather than repaired. However, the Tideway project and potential closure to

Embankment could cause delay to this work. A report would be brought to the Planning & Transportation Committee on plans for 2019 when more details about Tideway were known.

A Member reported that on Saturday 11 August 2018 a mass cycling event organised via Facebook had come through the City and had resulted in a number of incidents including pedestrians being hit and intimidated, and asked what officers knew about the incident. The Director of the Built Environment responded that a large anti-knife crime event had been organised, and that a Metropolitan Police escort had been arranged to monitor the event. A Member advised officers that incidents had been reported and received crime numbers. Officers were asked to look into the matter and provide a written response to Members.

A Member requested that officers give an update to Members regarding the delay to the opening of Crossrail. The Director of the Built Environment responded that officers were disappointed about the delays, but it had become clear that although the Crossrail project at Farringdon East was on course to be completed by the original deadline, Liverpool Street/Moorgate was falling behind. In response to a query from a Member, the Director of the Built Environment responded that full funding for the public realm works had been received for Farringdon East and Moorfields, but not for Liverpool Street. The upcoming Transport Strategy would have more information on the impact on buses, as some routes were being taken out.

**11. ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT**

There was none.

**12. EXCLUSION OF THE PUBLIC**

**RESOLVED** – That under Section 100(A) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Local Government Act.

<b>Item No.</b>	<b>Exempt Paragraphs</b>
13 - 15	3
16 - 17	-

**13. NON-PUBLIC MINUTES**

**RESOLVED** – That the non-public minutes of the meeting held on 3 July 2018 be agreed as a correct record.

**14. BANK ON SAFETY UNATTENDED ENFORCEMENT CAMERA CONTRACT EXTENSION**

The Sub-Committee considered a report of the Director of the Built Environment.

**15. NON-PUBLIC APPENDIX - TUDOR STREET/NEW BRIDGE STREET**

The item was withdrawn.

**16. NON-PUBLIC QUESTIONS ON MATTERS RELATING TO THE WORK OF THE SUB COMMITTEE**

There was a non-public question.

**17. ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT AND WHICH THE SUB COMMITTEE AGREES SHOULD BE CONSIDERED WHILST THE PUBLIC ARE EXCLUDED**

There was no other business.

**The meeting closed at 12.27 pm**

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Chairman

**Contact Officer: Joseph Anstee  
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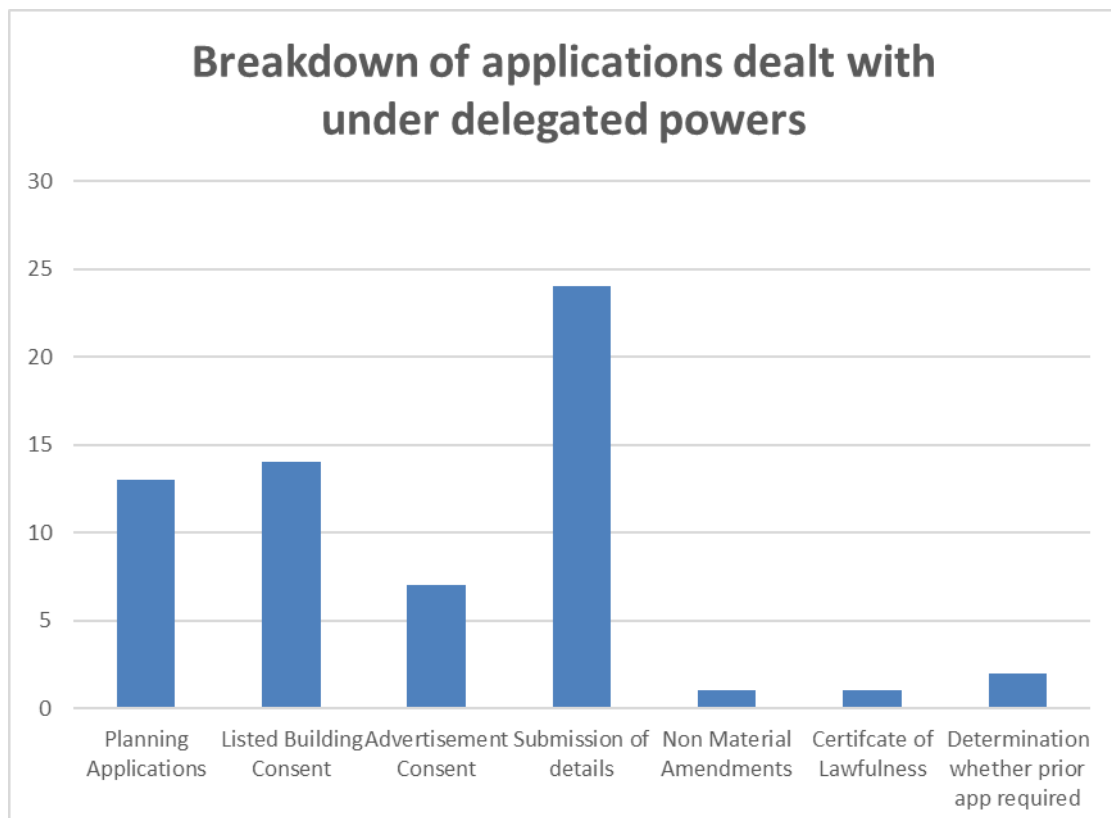


<b>Committee(s)</b>	<b>Dated:</b>
Planning and Transportation	8 <sup>th</sup> October 2018
<b>Subject:</b> Delegated decisions of the Chief Planning Officer and Development Director	<b>Public</b>
<b>Report of:</b> Chief Planning Officer and Development Director	<b>For Information</b>

## Summary

In the time since the last report to Planning & Transportation Committee, sixty-eight (68) matters have been dealt with under delegated powers.

Twenty-four (24) relate to conditions of previously approved schemes, fourteen (14) relate to works to listed buildings. Seven (7) express consent to display advertisements were decided, one (1) Non-Material amendment applications and two (2) applications for Determination whether prior approval required. Also, one (1) Certificate of Lawful development was granted as well. Thirteen (13) applications for development have been approved including Four (4) changes of use and 753sq.m of created floorspace.



Any questions of detail arising from these reports can be sent to [plans@cityoflondon.gov.uk](mailto:plans@cityoflondon.gov.uk).

### Details of Decisions

<b>Registered Plan Number &amp; Ward</b>	<b>Address</b>	<b>Proposal</b>	<b>Decision &amp; Date of Decision</b>
16/00116/ADVT Walbrook	8 Old Jewry London EC2R 8DN	Retention of one internally illuminated canopy sign measuring 0.18m x 3.96m, situated at a height 2.83m above ground level.	Approved  20.09.2018
17/01002/MDC Bishopsgate	100 Liverpool Street & 8-12 Broadgate London EC2M 2RH	Details of sewer vents pursuant to condition 15 of planning permission 17/00276/FULL dated 5 June 2017.	Approved  04.09.2018
17/01255/LBC Castle Baynard	The Old Bell Public House 95 Fleet Street London EC4Y 1DH	Internal alterations comprising refurbishment of public house from basement to third floor level including installation of toilets at first floor level and associated works.	Approved  11.09.2018
17/01262/ADVT Castle Baynard	The Old Bell Public House 95 Fleet Street London EC4Y 1DH	Installation and display of; (i) Externally illuminated fascia sign measuring 0.7m (h) x 5.2m (w) located at a height of 2.9m above ground floor level on the north elevation; (ii) Non illuminated fascia sign measuring 0.4m (h) x 8.1m (w) located at a height of 2.7m above ground floor level on the south elevation; (iii) Non illuminated amenity board measuring 1m (h) x 0.6m (w) located at a height of 0.5m above ground floor level; (iv) Non illuminated amenity board measuring 2.1m (h) x 1.5m (w) located at a height of 4.1m above ground floor level; and (v) 2 x Non illuminated awning signs measuring 0.6m (h) x 3m (w) located at a height of 2.3m above ground floor level.	Approved  18.09.2018

17/01263/LBC Castle Baynard	The Old Bell Public House 95 Fleet Street London EC4Y 1DH	Internal and external alterations to include ground floor redecoration, replacement signage and refurbishment of shop front.	Approved 18.09.2018
17/01273/FULL Farringdon Without	3 - 5 Norwich Street London EC4A 1EJ	Alterations to the existing office building including: (i) extension at 6th floor level for Class B1 Use; (ii) erection of additional seventh and eighth floor levels for Class B1 use; (iii) erection of a rooftop plant enclosure; (iv) creation of new terraces at seventh floor level; (v) reconstruction of the facade to Norwich Street; (vi) provision of new entrances and fire escapes to Norwich Street; (vii) provision of cycle parking and associated facilities at lower ground floor level; and (viii) associated internal and external alterations (total increase in floorspace 753sq.m GIA).	Approved 10.09.2018
18/00347/FULL Broad Street	27 Throgmorton Street London EC2N 2AQ	Alterations to mechanical plant layout, replacement of windows and creation of a small external terrace at third floor level with associated access and screening.	Approved 11.09.2018
18/00382/FULL Bridge And Bridge Without	31-35 Eastcheap London EC3M 1DT	Application under Section 73 of the Town and Country Planning Act 1990 to vary the wording of condition 8 to enable extended hours of operation of planning permission (application no. 16/00269/FULL) dated 24th May 2016 for the change of use of the basement of 31-35 Eastcheap and the ground floor unit at 35 Eastcheap from A1 (shop) use to flexible use for either A1 (shop), A3 (restaurants and cafes), A4 (drinking establishments) or D2 (assembly and leisure) use and the addition of five	Approved 11.09.2018

		louvred ventilation panels to the rear of the building.	
18/00390/LBC Broad Street	27 Throgmorton Street London EC2N 2AQ	Alterations to mechanical plant layout, replacement of windows and creation of a small external terrace at third floor level with associated access and screening.	Approved 11.09.2018
18/00409/FULL Cripplegate	Great Arthur House Golden Lane Estate London EC1Y 0RE	Conversion of part of the ground floor to three flats with external works including: (i) the provision of planters and landscaping; (ii) the removal of two existing doors and their replacement with windows; (iii) the formation of a new entrance and (iv) the provision of a new disabled parking space.	Approved 14.09.2018
18/00410/LBC Cripplegate	Great Arthur House Golden Lane Estate London EC1Y 0RE	Conversion of part of the ground floor to three flats with internal and external works including: (i) the provision of planters and landscaping; (ii) the removal of two existing doors and their replacement with windows; (iii) the formation of a new entrance, (iv) internal reconfiguration and alterations including the removal and insertion of partitions and (v) the provision of a disabled parking space.	Approved 14.09.2018
18/00556/ADVT Bridge And Bridge Without	Adelaide House London Bridge London EC4R 9HA	Installation and display of two internally illuminated advertisement display panels to both sides of a free-standing totem, each measuring 1.22m in height x 0.79m in width at a height of 1.38m above ground level.	Refused 04.09.2018
18/00561/LBC Farringdon Within	Founders Hall 1 Cloth Fair London EC1A 7JQ	Internal refurbishment comprising (i) installation of a new suspended ceiling, lighting and finishes to the Livery Room and (ii) replacement sanitaryware and new finishes to the female WC.	Approved 25.09.2018

18/00582/MDC Farringdon Without	6 Bream's Buildings London EC4A 1HP	Submission of details of a programme of archaeological work and foundation design pursuant to conditions 10 and 11 of planning permission dated 10 March 2016 (application number 15/00971/FULL)	Approved  11.09.2018
18/00637/LBC Cornhill	City of London Club 19 Old Broad Street London EC2N 1DS	Enabling works in basement to facilitate installation of new commercial kitchen, including the blocking up of existing openings, creation of new partitions and removal of existing partitions.	Approved  28.08.2018
18/00640/MDC Tower	Minories Public House 64 - 73 Minories London EC3N 1JL	Submission of details of a scheme for protecting nearby residents and commercial occupiers from noise, dust and other environmental effects during construction pursuant to condition 2 of planning permission 18/00080/FULL dated 29.05.2018	Approved  28.08.2018
18/00660/FULL Tower	Offices 150 Minories London EC3N 1LS	Alterations at ground and first floor levels including altering the windows to sections of the front elevation and the building entrance.	Approved  28.08.2018
18/00668/LBC Cripplegate	Barbican Arts & Conference Centre Silk Street London EC2Y 8DS	Retention of partition walls erected at level 0 of the Barbican Arts Centre.	Approved  06.09.2018
18/00670/MDC Queenhithe	Broken Wharf House 2 Broken Wharf London ECAV 3DT	Submission of (i) a Construction Management Plan; (ii) refuse storage and collection details and (iii) details of the extent of the ancillary restaurant and workspace pursuant to the discharge of conditions 2, 3, 4 and 5 of planning permission reference 17/00712/FULL dated 8th May 2018.	Approved  18.09.2018
18/00671/MDC Bassishaw	Land Bounded By London Wall, Wood Street, St. Alphage	Post Construction BREEAM Assessments pursuant to condition 10 of planning	Approved  06.09.2018

	Gardens, Fore Street, Fore Street Avenue, Bassishaw Highwalk, Alban Gate Rotunda, Alban Highwalk, Moorfields Highwalk And Willoughby Highwalk, London, EC2	permission 14/00259/FULL dated 30 June 2014.	
18/00698/LBC Cornhill	12 - 13 Royal Exchange London EC3V 3LL	Application under Section 19 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to vary condition 3 (approved plans) of listed building consent 17/01293/LBC dated 13 March 2017 to enable minor internal alterations to the refurbishment at ground and first floor level.	Approved 04.09.2018
18/00681/FULL Cornhill	66 - 67 Cornhill London EC3V 3NB	Change of use of the ground and lower ground floors from shop (Class A1) to a flexible use for a restaurant & cafe (Class A3) and/or non-residential institution (Class D1) and/or assembly & leisure (Class D2) use (436sq.m).	Approved 13.09.2018
18/00711/FULL Castle Baynard	1 Puddle Dock London EC4V 3DS	Installation of new fire escape stair from mezzanine to ground floor within internal service courtyard and associated works to existing window to create new door opening.	Approved 13.09.2018
18/00712/MDC Farringdon Without	1 & 2 Garden Court & 3 Garden Court (Blackstone House) Middle Temple London EC4Y 9BL	Submission of details of a programme of archaeological work pursuant to condition 6 of planning permission dated 27 March 2018 (application number 17/00937/FULL)	Approved 20.09.2018
18/00713/LDC Farringdon Without	1 & 2 Garden Court & 3 Garden Court (Blackstone House) Middle Temple	Submission of details of a programme of archaeological work pursuant to condition 5 of Listed Building Consent	Approved 20.09.2018

	London EC4Y 9BL	dated 27 March 2018 (application number 17/00938/LBC)	
18/00714/MDC  Farringdon Without	Garden Court Middle Temple London EC4	Submission of details of a programme of archaeological work pursuant to condition 3 of planning permission dated 22 February 2018 (application number 17/00939/FULL).	Approved  20.09.2018
18/00715/LDC  Farringdon Without	1 & 2 Garden Court Middle Temple London, EC4	Submission of details of a programme of archaeological work pursuant to condition 3 of Listed Building Consent dated 22 February 2018 (application number 17/00940/LBC)	Approved  20.09.2018
18/00718/DPAR  Broad Street	120 Old Broad Street London EC2N 1AR	Determination under Part 16 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) that prior approval is required and approved for the upgrade of an existing telecommunications installation at roof level.	Prior Approval Given  30.08.2018
18/00717/POD C  Farringdon Within	20 Farringdon Street London EC4A 4AB	Submission of details of the carbon dioxide emissions of the completed development and calculation of the Carbon Offsetting contributions due pursuant to Schedule 3 Paragraph 11.2 and 11.3 of the section 106 agreement dated 22 December 2015 associated planning application reference 15/00509/FULMAJ.	Approved  25.09.2018
18/00719/FULL  Candlewick	15 Abchurch Lane London EC4N 7BW	Change of use from private members club (sui generis) to use by The Royal Philatelic Society London, including for members' meeting hall, offices, museum and library, storage and research space, multi-function rooms for auctions, conferences, lectures and other events (sui generis), and associated external alterations including	Approved  06.09.2018

		removal and replacement of roof top plant, new plant screen at the rear, facade cleaning and other facade repairs, partial replacement glazing, modifications to the main entrance and front step; and other associated works in connection with the new use.	
18/00720/LBC Candlewick	15 Abchurch Lane London EC4N 7BW	Alterations to the existing building including removal and replacement of roof top plant, new plant screen at the rear, facade cleaning and other facade repairs, partial replacement glazing, removal of external ducting to rear, modifications to the main entrance and front step, internal alterations including reconfiguration, fabric removal, and refurbishment works on all floors, including basement levels; refurbishment of all meeting rooms, entrance reception and ancillary rooms and space; installation of new heating and cooling equipment; rewiring and IT cabling; renovation of chandeliers, terrazzo, mosaic floors, Cuban mahogany panelling and joinery; refurbishment and extension of existing lift; replacement of dumbwaiters set with goods lift, removal and relocation of existing fireplace, and other associated works.	Approved  06.09.2018
18/00721/FULL Farringdon Within	37 Cloth Fair London EC1A 7JQ	Replacement of garage door with window and associated alterations.	Approved  30.08.2018
18/00724/MDC Castle Baynard	75 Shoe Lane And The International Press Centre 76 Shoe Lane And Merchant Centre 1 New Street	Details of rooftop flues pursuant to condition 11 (e) (in part) of planning permission 15/01071/FULL dated 12/02/2014.	Approved  28.08.2018



	Square London EC4		
18/00725/MDC  Coleman Street	20 Finsbury Circus London EC2M 1UT	Details of facilities and methods to accommodate and manage all freight vehicle movements to and from the site during the demolition and construction; a scheme for protecting nearby residents and commercial occupiers from noise, dust and other environmental effects ; commemorative plaques and a method statement 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 including Crossrail works to reinstate urban realm and tunnels in or adjacent to the site of the approved development, the construction of the Crossrail structures and tunnels, and required monitoring, is not impeded pursuant to condition 2, 3, 5 and 6 of planning permission 16/01084/FULL dated 16 December 2016.	Approved  04.09.2018
18/00726/MDC  Bread Street	2 - 6 Cannon Street London EC4M 6YH	Submission of a plant noise assessment report pursuant to condition 19 of planning permission 14/00780/FULMAJ dated 30.07.15.	Approved  31.08.2018
18/00727/FULL  Coleman Street	25 Copthall Avenue London EC2R 6EA	Installation of new balustrades and replacement of the existing windows with openable terrace doors to the 6th floor terraces.	Approved  28.08.2018
18/00730/MDC  Farringdon Within	3 - 4 Bartholomew Place London EC1A 7HH	Submission of details of foundation design pursuant to condition 8 of the planning permission dated 8 May 2018 (application number 17/00875/FULL).	Approved  04.09.2018
18/00731/LBC	1 Poultry London	Internal fit-out of offices within	Approved

Cordwainer	EC2R 8EJ	ground to fifth floor, construction of a mezzanine within the ground floor unit (88.6sq.m) and a staircase running from ground to first floor with associated cut out to first floor slab.	04.09.2018
18/00734/FULL Bishopsgate	17-18 Widegate Street London E1 7HP	Application under section 73 of the Town & Country Planning Act 1990 to vary condition 9 (Approved Plans) of planning permission 16/00852/FULL to enable minor material amendments to the approved scheme including the provision of additional bedrooms to each flat and minor alterations to the internal layout.	Approved 11.09.2018
18/00739/FULL Castle Baynard	1 - 2 Bolt Court London EC4A 3DQ	Installation of replacement entrance doors.	Approved 10.09.2018
18/00743/MDC Vintry	Senator House 85 Queen Victoria Street London EC4V 4AB	Traffic Management Plan and Outline Method Statement pursuant to conditions 2 and 3 of planning permission 17/00690/FULL dated 16.01.18.	Approved 06.09.2018
18/00744/ADVT Bread Street	5 Paternoster Row London EC4M 7EJ	Retention of: (i) three non-illuminated fascia signs measuring 0.3m high, 3.18m, 2m and 2.59m in length, at a height above ground of 2.55m; (ii) one externally illuminated projecting sign measuring 0.6m high, 0.6m wide, at a height above ground of 3.05m.	Approved 11.09.2018
18/00747/MDC Lime Street	22 - 24 Bishopsgate London EC2N 4BQ	Submission of details of bird boxes pursuant to Condition 16 (o) of planning permission 16/00849/FULEIA dated 11.09.2017	Approved 13.09.2018
18/00748/MDC Farringdon Without	25 - 26 Furnival Street London EC4A 1JT	Details of new work and work in making good to the ground floor interior of 26 Furnival Street pursuant to condition 13 (j) of planning permission 14/00866/FULL dated	Approved 30.08.2018

		27/04/15.	
18/00753/MDC Tower	Minories Public House 64 - 73 Minories London EC3N 1JL	Details of a Method Statement for the protection of the trees and their rooting zones during excavation and construction pursuant to condition 3 of planning permission dated 29.05.2018 (ref: 18/00080/FULL).	Approved  28.08.2018
18/00758/ADVT Farringdon Without	Atlantic House 50 Holborn Viaduct London EC1A 2FG	Installation and display of: (1) one internally illuminated fascia sign measuring 1.2m high by 1.2m wide situated at a height above ground of 3.58m (2) two externally illuminated signs each measuring 0.92m high by 1.23m wide situated at ground floor level.	Approved  13.09.2018
18/00759/MDC Aldgate	60 - 70 St Mary Axe London EC3A 8JQ	Submission of an acoustic report pursuant to condition 13 of planning permission dated 10 June 2010 (app. no. 08/00739/FULEIA).	Approved  13.09.2018
18/00762/NMA Coleman Street	56-60 Moorgate, 62-64 Moorgate & 41-42 London Wall London EC2	Non-material amendment under Section 96A of the Town and Country Planning Act to planning permission dated 14 February 2017 (15/01312/FULMAJ) for the infilling of the existing basement vaults.	Approved  30.08.2018
18/00766/FULL Bishopsgate	8 Devonshire Square London EC2M 4PL	Installation of mechanical ductwork at 6th floor roof level and louvres to the external elevation in place of an existing window at 6th floor and to a door overpanel at ground floor level to provide fresh air intake to new mechanical plant.	Approved  13.09.2018
18/00775/LBC Cripplegate	Barbican Arts And Conference Centre Silk Street London EC2Y 8DS	Refurbishment of lower level male and female WCs in Green Room including new sanitaryware and alterations to associated fixtures.	Approved  18.09.2018
18/00781/ADVT	174 Bishopsgate London	Installation and display of one internally illuminated fascia	Approved

Bishopsgate	EC2M 4NQ	sign measuring 0.4m high by 2m wide at a height above ground of 2.95m.	18.09.2018
18/00787/LBC Cornhill	39 Threadneedle Street London EC2R 8AU	New internal platform lift and modifications of the internal layout.	Withdrawn 19.09.2018
18/00788/LDC Coleman Street	73 Moorgate London EC2R 6BH	Submission of details in relation to ground floor level window on London Wall further to listed building consent 17/00226/LBC dated 11 July 2017.	Approved 21.09.2018
18/00791/FULL Billingsgate	51 Eastcheap London EC3M 1JA	Installation of louvred enclosure at upper roof level.	Approved 25.09.2018
18/00801/DPAR Castle Baynard	167 Fleet Street London EC4A 2EA	Determination under Part 16 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) that prior approval is required for the installation of three antennae at roof level and is approved.	Prior Approval Given 18.09.2018
18/00803/ADVT Aldgate	52 - 56 Leadenhall Street London EC3	Installation and display of i) one externally illuminated fascia sign measuring 0.8m high by 2.52m wide at a height above ground of 3m and two internally illuminated projecting signs measuring 0.4m high by 0.9m wide at a height above ground of 2.9m.	Approved 25.09.2018
18/00805/MDC Broad Street	60 London Wall London EC2M 5TQ	Details of two car parking spaces with electric vehicle charging facilities, suitable for use by people with disabilities pursuant to condition 39 of planning permission dated 27th April 2017 (16/00776/FULMAJ).	Approved 30.08.2018
18/00813/LDC Farringdon Without	18 - 19 Fleet Street London EC4Y 1AA	Details including methodology and locations of the Portland stone repairs to the Fleet Street elevation pursuant to condition 3 (a) of listed	Approved 25.09.2018

		building consent dated 19 April 2018 (ref 18/00129/LBC).	
18/00816/FULL Bishopsgate	135 Bishopsgate London EC2M 3TP	Application under section 73 of the Town and Country Planning Act 1990 to vary condition 15 (approved drawings) of planning permission dated 3rd July 2018 (ref. 18/00407/FULL itself granted pursuant to a section 73 application) to: (i) increase the size of the 8th floor terrace from 268sq.m to 520sq.m and provide a new access to the terrace and (ii) consolidate the roof plant and provide associated screening.	Approved  20.09.2018
18/00824/CLOP D Bishopsgate	1 Primrose Street London EC2A 2EX	Application for a Lawful Development Certificate for confirmation that the proposed use of Office 3041, as offices for Ola UK Private Limited (a private hire business) falls within Use Class B1a (offices).	Grant Certificate of Lawful Development  20.09.2018
18/00855/MDC Farringdon Without	Old Pathology Building & Residential Staff Quarters Building St Bartholomew's Hospital West Smithfield London EC1A 7BE	Submission of details of a programme of archaeological work pursuant to condition 8 (in part) of planning permission dated 11 June 2018 (application number 16/01311/FULL).	Approved  06.09.2018
18/00856/MDC Farringdon Without	Old Pathology Building & Residential Staff Quarters Building St Bartholomew's Hospital West Smithfield London EC1A 7BE	Submission of details of foundation design and piling configuration pursuant to condition 6 (in part) of planning permission dated 11 June 2018 (application number 16/01311/FULL).	Approved  07.09.2018
18/00919/FULL Bread Street	Retail Unit 2 1 Cheapside London EC2V 6AA	New shopfront.	Withdrawn  05.09.2018

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# Agenda Item 6

<b>Committee(s)</b>	<b>Dated:</b>
Planning and Transportation	<b>8<sup>th</sup> October 2018</b>
<b>Subject:</b> Valid planning applications received by Department of the Built Environment	<b>Public</b>
<b>Report of:</b> Chief Planning Officer and Development Director	<b>For Information</b>

## Summary

Pursuant to the instructions of your Committee, I attach for your information a list detailing development applications received by the Department of the Built Environment since my report to the last meeting.

Any questions of detail arising from these reports can be sent to [plans@cityoflondon.gov.uk](mailto:plans@cityoflondon.gov.uk).

## Details of Valid Applications

<b>Application Number &amp; Ward</b>	<b>Address</b>	<b>Proposal</b>	<b>Date of Validation</b>
18/00874/FULL Aldgate	22A Bevis Marks, London, EC3A 7JB	Alteration to shopfront comprising the replacement of glazed panel with an air intake grill.	24/08/2018
18/00922/FULL Billingsgate	10 Lower Thames Street, London, EC3R 6EN	Change of use of part of the ground floor of the building from office (Class B1) to retail (Class A1) (280sq.m) and associated works to entrance doors and glazing.	05/09/2018
18/00850/FULL Bishopsgate	Tower House, 11 Artillery Lane, London, E1 7LP	Change of use from office (Class B1) use to a flexible use for either a non-surgical aesthetic academy and clinic (Class D1) or office (Class B1) use. (122sq.m)	22/08/2018
18/00859/FULL Bread Street	25 Cannon Street, London, EC4M 5TA	Refurbishment and alterations to the building, including; infilling of ground level colonnade, provision of new main office entrance and associated double height space at ground floor, recladding to exterior elevations and replacement fenestration at ground to fourth floor and replacement facades at fifth floor, replacement plant at roof level with associated covering, creation of new terraces and associated balustrades and landscaping at fourth and fifth floors	28/08/2018

		and roof level; creation of flexible use at part basement level for Classes B1/D2 (gymnasium); partial change of use at ground level for Class A1, flexible Classes A1/B1 and flexible Classes A1/A3/B1; alterations to existing servicing arrangements with continued servicing access via Bread Street; the provision of cycle parking at basement level with new bicycle access from Bread Street and associated facilities and other incidental works.	
18/00919/FULL Bread Street	Retail Unit 2, 1 Cheapside, London, EC2V 6AA	New shopfront.	05/09/2018
18/00868/FULL Castle Baynard	150 Fleet Street, London, EC4A 2DQ	Replacement of principle entrance doors.	20/08/2018
18/00873/FULL Castle Baynard	66 - 73 Shoe Lane, London, EC4A 3BQ	Refurbishment and minor extension of existing building comprising alterations to ground floor facades including a new entrance and realignment of courtyard (south) elevation together with new balconies on 2nd to 7th floors; infilling of lightwell/atrium; partial change of use at ground floor of circa 33sq.m from Class A3 to Class B1(a) space; replacement of plant and services at basement and roof levels; provision of 1 disabled car parking space and other associated works.	03/09/2018
18/00916/FULL Castle Baynard	97 Fleet Street, London, EC4Y 1DH	Installation of an air conditioning unit.	04/09/2018
18/00843/FULL Coleman Street	43 London Wall, London, EC2M 5TF	Erection of a two-storey extension (219 Sq.m) for office (Class B1) use to replace the existing sixth floor roof plant enclosure and the addition of a new roof top louvred plant enclosure.	22/08/2018
18/00836/FULL Cordwainer	49 Cheapside, London, EC2V 6AT	Installation of two cashpoint machines (ATM's) on the Cheapside elevation of the building.	11/09/2018
18/00902/FULL Cornhill	19 Old Broad Street, London, EC2N 1DS	Alterations and extensions at second, third and roof levels to create 18 ancillary bedrooms with associated upgrading of services and plant. (300sq.m)	03/09/2018
18/00839/FULL Cripplegate	Bernard Morgan House	Erection of a single-storey building for use as a marketing suite and	06/09/2018



	43 Golden Lane, London, EC1Y 0RS	associated works including creation of public access and soft landscaping for a temporary period of two years.	
18/00736/FULL Farringdon Within	68 Long Lane, London, EC1A 9EJ	Alterations and extension of the building, including: (i) Change of use of basement and part ground floor from Office (Class B1) to retail (Class A1); (ii) external alterations at ground floor level to create a new shopfront to Long Lane and new office entrance to East Passage; (iii) replacement of existing mansard roof at third floor level to create a sheer storey; (iv) erection of a roof extension to create an additional storey at fourth floor level for office use (Class B1); and (v) installation of plant at fourth floor level (total increase in floorspace: 19.6sq.m).	13/08/2018
18/00446/FULL Farringdon Within	11 Ludgate Broadway, London, EC4V 6DU	Installation of air conditioning unit at rooftop level.	13/08/2018
18/00842/FULL Farringdon Within	25 Cloth Fair, London, EC1A 7JQ	Alterations to the building comprising: (i) addition of a rooftop terrace and associated balustrade; (ii) extension of third floor and creation of a terrace at front and associated alterations; (iii) infill extension from first to third floor on the rear elevation; (iv) squaring off of existing ground floor rear extension; (v) replacement of two windows with two bay windows on front elevation; and (vi) installation of two air conditioning units on the rear elevation.	31/08/2018
18/00878/FULMAJ Farringdon Within	Stonecutter Court , 1 Stonecutter Street, London, EC4A 4TR	Demolition of 1 Stonecutter Street and 81 Farringdon Street, and associated works to retain the Hoop and Grapes Public House; the erection of a new building constructed on the retained lower basement and basement of 1 Stonecutter Street providing ground, podium, and 13 upper stories; The use of the building for offices (Class B1) at part ground and first to thirteenth floors, retail /offices (Class B1, A1, A3) at podium level, retail at part ground floor (Class A1/A3) and associated delivery bay, cycle parking facilities, together with	06/09/2018

		ancillary plant at basement and lower basement levels; the laying out of a replacement private open space, associated pavilion (Class A1/A3) and enclosure, along with hard and soft landscaping; and the erection of a screen to be attached to the south west flank of the Hoop and Grapes Public House to be planted to provide a green wall, along with the enclosure of the yard to the rear of the Public House with an access to the new open space for means of escape purposes (33,528sq.m GIA).	
18/00935/FULL Farringdon Without	90 Fetter Lane, London, EC4A 1EN	Use of part ground and part lower ground floors for Class A1/A3/A4/B1/D2 (gym) in lieu of approved uses for Class A1/A3/A4/B1 (626sq.m).	07/09/2018
18/00952/FULL Farringdon Without	40 Holborn Viaduct, London, EC1N 2PB	Application under Section 73a of the Town and Country Planning Act 1990 (as amended) to amend condition 12 of planning permission 1082CC dated 13th July 2005 to reduce the number of motorcycle parking spaces from 28 to 13 and amend condition 13 of planning permission 1082CC dated 13th July 2005 to increase the number of cycle spaces provided from 87 to 168.	11/09/2018
18/00910/FULL Lime Street	Crosby Square Steps, London, EC2	Works of hard and soft landscaping to the steps leading from Undershaft to Crosby Square, including the re-grading of the steps, provision of handrails and seating and the planting of new trees.	04/09/2018
18/00771/FULL Portsoken	95 Middlesex Street, London, E1 7DA	Installation of a new shopfront.	10/08/2018
18/00865/FULL Portsoken	Statue House, 53 - 54 Aldgate High Street, London, EC3N 1AL	Retention of the change of use from a shop (Class A1) to a hot food take away (Class A5) (60sq.m) and the retention of a flue on the rear elevation.	17/08/2018
18/00858/FULL Tower	3 America Square, London, EC3N 2LR	Retention of nine short-term lets (less than 90 consecutive nights) (Class C3) in lieu of nine permanent residential units (Class C3).	17/08/2018
18/00820/FULL Tower	Centurion House , 37 Jewry Street, London, EC3N 2ER	Installation of an external gate at ground floor level.	03/09/2018

18/00885/FULL Walbrook	37 Poultry, London, EC2R 8AJ	Alterations to existing shopfront, consisting of the relocation of the existing entrance doors and the installation of a new glazing panel.	28/08/2018
18/00900/FULL Walbrook	6 Lombard Street, London, EC3V 9AA	Upgrade to existing rooftop base station and ancillary equipment.	07/09/2018

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<b>Committee:</b>	<b>Date:</b>
Planning and Transportation	08 October 2018
<b>Subject:</b> Creed Court 3 - 5 Ludgate Hill, 1 - 3 Creed Lane And 11 - 12 Ludgate Square London EC4M 7AA  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, Creed Lane and to the internal courtyard; (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 466sq.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.	<b>Public</b>
<b>Ward:</b> Farringdon Within	<b>For Decision</b>
<b>Registered No:</b> 17/01207/FULMAJ	<b>Registered on:</b> 12 December 2017
<b>Conservation Area:</b> St Paul's Cathedral	<b>Listed Building:</b> No

## Summary

The proposal relates to the redevelopment of the site for a hotel, with ground floor retail, that was granted planning permission on 6th October 2017. The planning permission is about to be implemented with demolition work scheduled to commence at the beginning of September 2018.

Planning permission is sought to amend the approved scheme under Section 73 of the Town and Country Planning Act. The amendments include: (i) the removal of the third basement floor;

(ii) internal reconfiguration to increase the number of hotel rooms from 130 to 152 and associated alterations to the fenestration of the building;

(iii) relocation of the UKPN sub-station from basement to ground floor;

(iv) a reduction in Class A3 floor area from 1,028sq.m to 466sq.m;

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

(vi) other minor internal and external alterations.

The proposed amendments have resulted in 20 objections across two public consultations from 15 residents and / or their representatives. The objections relate to the impact of the increase in hotel rooms on servicing and congestion in the local area, and the potential impact of the revised proposals on residential amenity including loss of daylight and sunlight, loss of privacy from overlooking, an increase in light pollution, a reduction in air quality, increased noise from the proposed mechanical plant within the development and increased noise and disruption as a result of construction. It has been suggested that the proposed changes constitute more than a minor material amendment to the proposals and that a new full application for planning permission should be submitted.

The proposed changes to the scheme would not alter the overall bulk and massing of the development, with only minor changes at roof level and the overall essence of the approved design would be retained. The proposed revisions to the scheme are predominantly to the internal layout and would result in a development which would not be substantially different to that which has been approved.

The proposed changes to the external appearance of the development reflect the more detailed design development of the proposals and would provide small-scale but valuable improvements to the visual appearance of the building. The height, bulk, massing and design of the revised proposed building would continue to preserve the character and appearance of the St. Paul's Cathedral Conservation Area, and the setting of nearby listed buildings.

The proposed reduction in retail (Class A3) floorspace on the site would retain active retail frontages to Ludgate Square and Creed Lane and would maintain the retail link between Fleet Street and Cheapside.

The proposed minor amendments to the servicing arrangements for the development are considered to be acceptable and the revisions to the scheme would not have a material impact on the servicing of the development.

It has been sufficiently demonstrated that the proposed revisions to the scheme would not have an unacceptable adverse impact on the amenities of nearby residential occupiers in relation to privacy, overlooking, noise, air quality, light pollution, daylight or sunlight.

The courtyard glazing would continue to be obscured and fixed closed and the increase in glazing within the courtyard would not lead to an adverse level of light intrusion to adjacent residential properties.

The proposed development has been designed to mitigate the noise impact on neighbouring residential properties, with all entrances located away from noise sensitive receptors. Access to the internal courtyard and roof of the development would continue to be restricted for maintenance and emergency only.

The revised mechanical plant on the building would be required to operate at 10dB(A) or more below the minimum background noise levels for the life of the development, and sound insulation would be required by condition for the relocated UKPN sub-station and basement gym.

The development would not have an adverse impact on air quality and would be air quality neutral.

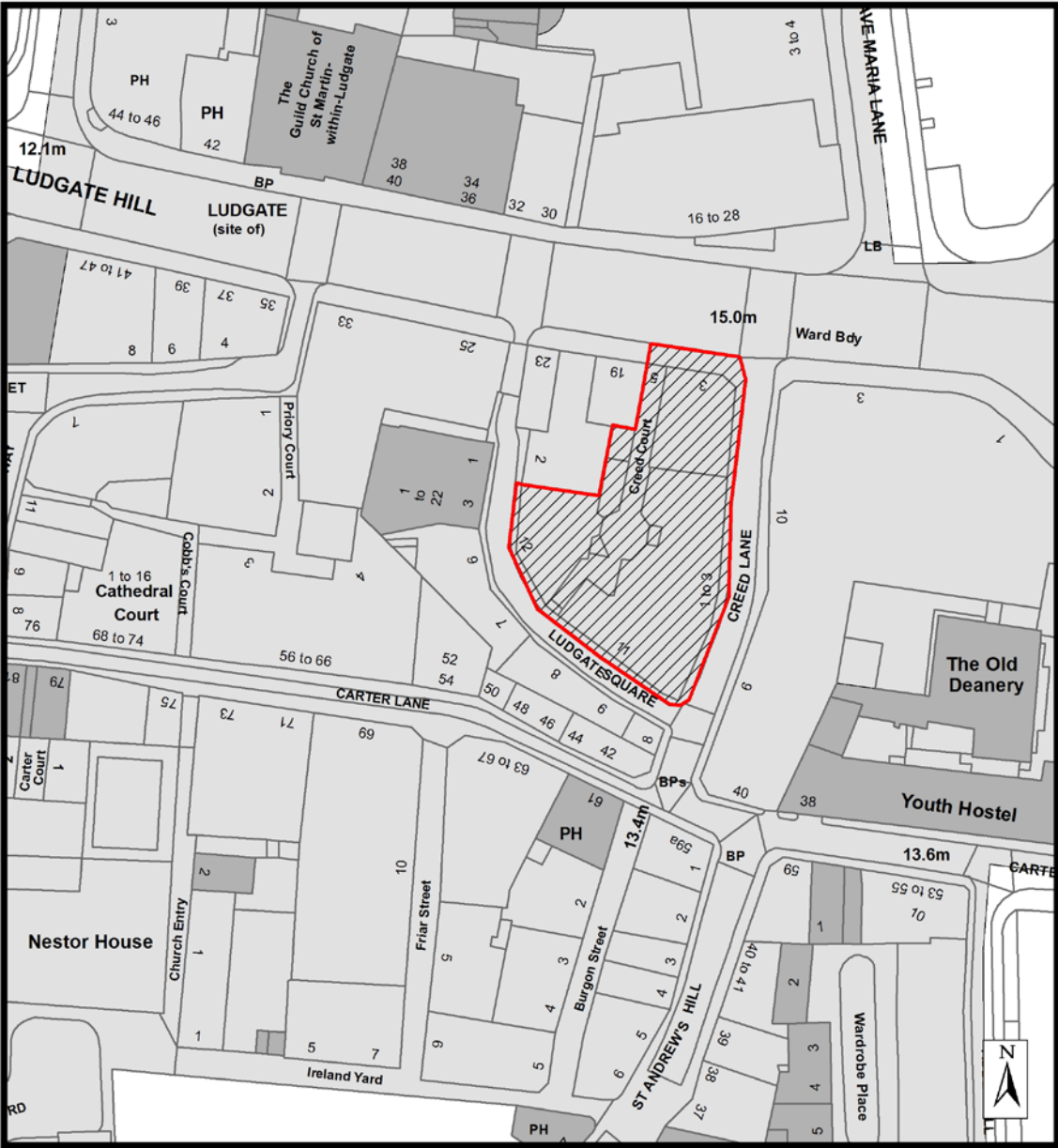
The proposed amendments to the scheme are considered to be acceptable and the revised development would continue to comply with the Development Plan as a whole.

### **Recommendation**

Planning permission be granted for the above proposal in accordance with details set out in the attached schedule, subject to:

- (i) Planning obligations being entered into as set out in the body of this report, the decision not being issued until such obligations have been executed:
- (ii) That your officers be instructed to negotiate and execute obligations in respect of those matters set out in "Planning Obligations" under Section 106 of the Town & Country Planning Act 1990.



# Site Location Plan



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ADDRESS:  
Bernard Morgan House

CASE No.  
17/01207/FULMAJ

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



DEPARTMENT OF THE BUILT ENVIRONMENT





## **Main Report**

### **Application Site and Existing Buildings**

1. The site is located on the south side of Ludgate Hill and occupies the majority of the street block bounded by Ludgate Hill to the north, Creed Lane to the east and Ludgate Square to the west.
2. The buildings subject to the planning application comprise the Creed Court development of connected buildings constructed between 1986 and 1990. The buildings have frontages at 3 - 5 Ludgate Hill, 1 - 3 Creed Lane and 11 - 12 Ludgate Square, and additional entrances onto Creed Court, an open court partially covered by a glazed walkway. Creed Court is accessed at its northern end via a passageway beneath 3 - 5 Ludgate Hill, and at the southern end through a gated entrance beneath the buildings into Ludgate Square.
3. The existing buildings generally comprise five storeys with four separate office suites of mixed sizes over five ground floor retail units. The office suites are accessed via their own dedicated core from entrances on the street frontages and from lobbies entered from Creed Court. The office suites are currently vacant.
4. 3 - 5 Ludgate Hill was reconstructed behind its 1885 painted stucco facade which also returns for the length of one bay into Creed Lane. The remainder of the street frontages around the site are a varied mix of red or yellow stock brick facades, each a pastiche of the 19th Century commercial buildings formerly on the site, and 1 - 3 Creed Lane which is a building clearly of its time but which itself incorporates architectural references to the 19th Century buildings that it replaced. The buildings form part of the St Paul's Cathedral Conservation Area. The Ludgate Hill frontage forms part of the processional route that's runs from The Strand along Fleet Street, Ludgate Hill to St. Paul's Cathedral and beyond.
5. To the north of the site is 16 - 28 Ludgate Hill, a seven-storey office building with retail at ground floor level. To the east of the site is 1 - 3 St. Paul's Churchyard, a seven-storey office building with retail at ground floor level and 9 and 10 Creed Lane, which contain the Grange Hotel serviced apartments across four and five storeys of accommodation.
6. Immediately to the west of the site, on the opposite side of Creed Court, is Lambert House, a five-storey residential conversion with an additional penthouse floor and retail at ground floor to the Ludgate Hill frontage. To the south and west, 1 - 9 Ludgate Square are residential conversions of three and four storeys with commercial units occupying the ground floors of 6 - 9 Ludgate Square.

### **Relevant Planning History**

7. Planning permission was granted on 6th October 2017 (permission reference: 14/00300/FULMAJ) for the demolition of the existing buildings on the site behind the retained facade to 3 Ludgate Hill to provide a seven storey building for hotel use (Class C1) at part basement, part ground and first to sixth floors (132 bedrooms) (3,035sq.m. GIA),

restaurant use (Class A3) at part basement and part ground floor (1,090sq.m. GIA) and associated plant areas (2,245sq.m.) (Total Floorspace 7,660sq.m. GIA). The planning permission is about to be implemented with demolition work scheduled to commence at the beginning of September 2018.

### **Proposal**

8. Planning permission is sought to make minor material amendments to the approved scheme under Section 73 of the Town and Country Planning Act. The proposal seeks to revise the list of approved drawings set out under condition 49 of planning permission 14/00300/FULMAJ.

### **Internal Alterations**

9. The applicant is seeking to revise the internal layout of the development to enable the efficient use of floorspace. The proposed internal changes to the scheme are summarised below:
  - The third basement level would be omitted, which would result in greater floor to ceiling heights in the remaining two basement levels. The overall depth of the development would remain the same.
  - The internal floor layout would be reconfigured throughout the development to allow for an increase in the number of hotel rooms from 132 to 152. This would be achieved through designing out inefficiencies in the internal layout, including the over-provision of lifts. 14 of the additional hotel rooms would be introduced to the basement and ground floor around the enlarged courtyard area.
  - The proposed area of retail floorspace (Class A3) would be reduced in size from 1,028sq.m to 466sq.m through the removal of restaurant areas at basement levels one and two, and the provision of a reduced restaurant area to Ludgate Square.
  - The basement spa would be reduced in area and operate as a gym only; the proposed pool facility would be removed.
  - The UKPN sub-station would be moved from basement to ground floor level with access from Ludgate Square. This would ease access for UKPN operators and eliminate the requirement for removable access panels between ground and basement floor levels.
  - The service area to Creed Lane would be reconfigured. The waste storage area would be relocated to the ground floor and provided with independent access to avoid interference with hotel deliveries.

### **Courtyard Alterations**

- The internal courtyard would be extended southwards at basement level one and ground floor to create an enlarged courtyard area at these levels and to achieve a consistent building line to the façades of the development surrounding the courtyard.
- The proposed number of courtyard windows would increase from 34 to 64 as a result of the reconfiguration of the internal floor layouts.

The proposed area of courtyard glazing to the facades would increase from 79sq.m to 128sq.m. All proposed courtyard glazing would remain fixed and opaque.

- A skylight would be introduced at basement level one to serve the basement level spa (22sq.m). The skylight would have obscured glazing.
- A number of air intake and air extract louvres would be introduced to the courtyard at basement, ground and first floor level. They would be associated with the basement level spa, general basement ventilation requirements and an additional plant room that is proposed at first floor level for the ventilation of the hotel rooms that would sit behind the retained façade to Ludgate Hill.
- The hotel rooms to the courtyard would be ventilated via louvres that would be positioned at the top of each hotel room window.

### **External Alterations**

10. The proposed external alterations would primarily be to the fenestration associated with the revised position and layout of the hotel rooms to ensure windows would not be bisected by internal partitions. The overall essence of the approved design would be retained. The additional proposed external changes to the scheme are summarised below:
  - The entrance arch to Creed Court on Ludgate Hill would be retained as a feature and incorporated as an access point to the proposed café (Class A3).
  - The ground level façades would be redesigned to emphasise existing stone embellishments. Timber framed doors and windows including stallrisers are proposed to reflect the character and appearance of the local street scene and the St. Paul's Cathedral Conservation Area.
  - The service area to Creed Lane would be redesigned to reduce the number of louvres to a minimum.
  - UKPN street level access would be created on Ludgate Square at ground floor level to assist UKPN operational requirements.
  - It is proposed that all hotel rooms to the new build façades on Ludgate Square, Creed Lane (and the internal courtyard) would be ventilated via louvres that would sit at the top of each hotel room window. The hotel rooms that would sit behind the retained façade to Ludgate Hill and the corner of Creed Lane would be ventilated centrally and would not require louvres to windows.

### **Roof Level Alterations**

11. A minor increase in the height of the roof level parapets to Ludgate Hill, Ludgate Square, Creed Lane and the internal courtyard (up to a maximum of 0.5m in height) is proposed. This would enable robust construction detailing and waterproofing of all the proposed green roofs areas. The proposed roof level plant screen would be set back further

from the building faces and would be extended to integrate the proposed lift overruns, and the smoke extract units that were previously external to the enclosure.

12. The proposed roof build over the escape stair at sixth floor / roof level to the east of the courtyard would be extended north by 0.4m. This is to correct a minor discrepancy between the approved sixth floor / roof plan and approved courtyard elevation 'AA', identified during the redesign process. No other increase in the bulk and massing of the development is proposed.

### **Consultations**

13. The application has been advertised on site and in the local press. The residential premises of Lambert House, The Gallery 38 Ludgate Hill, 1 Church Entry, Priory House, 3 St. Andrew's Hill, 36 St. Andrew's Hill, St. Andrew's House, Kings Wardrobe Apartments, The Old Deanery, 1 Wardrobe Place, 3 Ludgate Square, 8 – 9 Ludgate Square, Cathedral Court, 46 – 48 Carter Lane, 50B Carter Lane and 77 Carter Lane have been individually consulted.
14. A second consultation was undertaken in June 2018 following further detailed design amendments to the proposals and the submission of additional studies relating to light pollution, daylight and sunlight and UKPN noise data.
15. A total number of 20 objections have been received across the two consultations periods (14 in 2017; 6 in 2018) from 15 residents and / or their representatives. The objections are summarised in the table below:

Topic	Objection
Residential Amenity	<ul style="list-style-type: none"> <li>• The increase in the number windows to the internal courtyard would lead to a loss of privacy and create the potential for light pollution.</li> <li>• The replacement of the plant room on the sixth floor with hotel bedrooms would create overlooking of the residential terrace at Flatt 22, 1-3 Ludgate Square.</li> <li>• The introduction of flues, vents and a plant room to the internal courtyard will generate issues relating to noise and air quality for adjacent residents.</li> <li>• The relocated UKPN sub-station is adjacent to residential premises and could cause problems of noise transmission through the entrance doors and adjacent building structure.</li> <li>• The proposed increase in the height of the rooftop parapets and the extension of the stair core at sixth floor level would have an adverse impact on daylight and sunlight received by residential properties in Lambert House.</li> <li>• The courtyard elevation on the 6th floor proposals appear to show an extension to the building, representing a 2.4m increase in height, which would</li> </ul>

	result in a further loss of daylight and sunlight and privacy.
Design	<ul style="list-style-type: none"> <li>• The rooftop plant area has been increased.</li> <li>• There is an overprovision of plant and proposed space is considered excessive.</li> <li>• It is not clear where the rooftop air conditioning units would be situated. More information is required.</li> <li>• Any rooftop access should be for maintenance only.</li> <li>• The UKPN sub-station and fire escape on Ludgate Square is too close to the entrance to Lambert House. Could the emergency services operate efficiently in this confined space with so many people.</li> </ul>
Transport and servicing	<ul style="list-style-type: none"> <li>• The increase in hotel rooms would have a material impact on servicing.</li> <li>• The proposed taxi drop-off and waiting area at the junction of Creed Lane and Ludgate Square will cause congestion and pollution in the local area.</li> </ul>
Construction disruption	<ul style="list-style-type: none"> <li>• The construction works will create noise, cause disruption and traffic congestion and increase air pollution.</li> </ul>
Application procedure	<ul style="list-style-type: none"> <li>• The proposed changes are considered to constitute more than a minor material amendment. A new full application for planning permission should be submitted.</li> </ul>
Other non-planning considerations	<ul style="list-style-type: none"> <li>• Will the proposed UKPN sub-station be explosion proof and what if any will be the electromagnetic radiation levels?</li> <li>• What provision has been made for TV reception being impacted by crane work and scaffolding?</li> </ul>

16. The views of other City of London departments have been taken into account. Some detailed matters remain to be dealt with by conditions and a Section 106 agreement.

### **Policy Context**

17. 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.
18. Government Guidance is contained in the National Planning Policy Framework (NPPF).

## **Considerations**

19. 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 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 and its setting (S72 (1) Planning (Listed Buildings and Conservation Areas) Act 1990);
  - 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).
20. The National Planning Policy Framework (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”.
21. The NPPF and accompanying Planning Practice Guidance (PPG) set out the options available for amending proposals that have planning permission. The PPG advises that:

“When planning permission is granted, development must take place in accordance with the permission and conditions attached to it, and with any associated legal agreements. New issues may arise after planning permission has been granted, which require modification of the approved proposals. Where these modifications are fundamental or substantial, a new planning application will need to be submitted.”
22. Where less substantial changes are proposed the applicant may seek to amend the conditions attached to a planning permission, including seeking minor material amendments (an application under Section 73 of the Town and Country Planning Act 1990). The PPG states that “There is no statutory definition of a ‘minor material amendment’ but it is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved.”
23. In this case the overall bulk and massing of the proposed development would remain the same as approved, with some minor changes at roof level. The overall essence of the approved design would be retained. The changes to the external appearance of the development reflect the more detailed design development of the proposals. The proposed

revisions to the scheme are predominantly to the internal layout and would result in a development which would not be substantially different to the scheme that has been approved.

24. Applications made under Section 73 of the Town and Country planning Act 1990 should be determined in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, and the conditions attached to the existing permission. The PPG states that “Local planning authorities should, in making their decisions, focus their attention on national and development plan policies, and other material considerations which may have changed significantly since the original grant of permission”, as well as the changes sought.
25. In considering the planning application before you, account has to be taken of the statutory and policy framework, the original planning permission, the documentation accompanying the application, and views of both statutory and non-statutory consultees.

#### Principal Issues to be Considered

26. The principal issues to be considered in the determination of this planning application are:
  - The extent to which the revisions comply with Government policy advice (NPPF) and with the relevant policies of the Development Plan.
  - The appropriateness of the reduction in retail floorspace within the development;
  - The acceptability of the proposed external alterations to the original scheme in design terms and the impact on the character and appearance of the St. Paul’s Conservation Area and the setting of listed buildings;
  - The impact of the proposed changes in floorspace and increase in hotel rooms on transport and servicing;
  - Whether the proposed amendments would have a detrimental impact on the amenity of neighbouring residential occupiers, specifically:
    - a) The impact on the daylight and sunlight enjoyed by neighbouring residential properties;
    - b) The impact on the potential for light pollution and on privacy overlooking and;
    - c) The impact of the reconfigured plant and relocated UKPN substation on noise and air quality;
    - d) The potential impact of demolition and construction works.
  - The sustainability and energy efficiency of the proposed development, access and inclusive design, the revised waste storage and the level of cycle parking proposed.



### Retail Floorspace

27. The existing buildings comprise approximately 946sq.m of retail floorspace at ground and lower ground floors, with retail units along Ludgate Hill, Creed Lane and Ludgate Square. The approved scheme includes 1,028sq.m (GIA) of restaurant and café (Class C3) floorspace across ground floor and two basement levels, including a retail unit (Class A3) to the Ludgate Hill frontage of the site.
28. It is proposed to reduce the proposed area of retail floorspace to 466sq.m through the removal of the restaurant areas at basement levels one and two, and the provision of a shallower restaurant area to Ludgate Square.
29. The proposals would retain a ground floor dining area and ancillary bar with active street level frontages to Ludgate Square and Creed Lane, and an ancillary kitchen at basement level one. The entrance to the restaurant would be moved to Creed Lane away from the residential premises in Ludgate Square. The proposed café to Ludgate Hill would be retained in the scheme, which would maintain the retail frontage within the Retail Link between Fleet Street and Cheapside Principal Shopping Centres in accordance with Local Plan policy.

### Design Alterations

30. The overall form of the revised scheme has not been significantly altered from the permitted scheme. Changes to the external appearance of the building largely reflect the more detailed development of the proposals and can be summarised as follows:

### Ludgate Hill Frontage

31. The pedimented archway giving access to the interior courtyard that was added to 3-5 Ludgate Hill in the 1980s was to be removed in the previous scheme. This feature would be retained in the current proposals and be adapted to form the entrance to the proposed A3/café unit. The fully glazed shopfront has been amended to incorporate stallrisers. The parapet to the level four roof would be raised by 500mm to allow for the green roof build up. The architectural metalwork and the pedimented dormers would remain the key items of note on the skyline and the increase in roof height would not create a noticeable change to this frontage.

### Creed Lane Elevations

32. The ground floor treatments of three of the four new facades in this Street have been revised to incorporate more subtle detailing such as the addition of stallrisers and mullions to windows, finer detailing of columns, etc. The service access area has been rationalised to allow the removal of one louvered door. The northernmost facade on Creed Lane has been changed from a four bay expression to three and the new façade to the south now has two principal bays and two subsidiary bay widths and altered fenestration. These changes have been made to provide greater variety to the Creed Lane frontage and address the somewhat grid-like pattern of fenestration of the approved scheme. The

parapet heights have been raised to allow for the green roof build up and the design of the dormers has been revised. Upper level windows would have the appearance of timber windows but would be metal with a grey painted finish.

#### Ludgate Square Frontage

33. The ground floor elevations have been amended to reflect the scheme's more detailed design development. A UKPN sub-station is required at the western end of the frontage necessitating a window and a door to be louvred. An additional recessed doorway has been incorporated for fire escape purposes. The fenestration and low-level dormers at the eastern end of the frontage have been further refined. Two upper-level dormers have been deleted and the position of other dormers at this level revised. Parapet heights have been amended and metal windows would be substituted for timber windows at upper levels as previously described.

#### Other Changes

34. The configuration of the interior courtyard has been amended and the fenestration pattern amended, with the number of windows in the façades increased from 34 to 64. Opaque glazing would be used for all courtyard windows. The plant screen on the Ludgate Square side of the roof has been extended southwards to integrate lift overruns and the position of the boiler flues has been clarified.

#### Setting of St Paul's Cathedral and Local Views within the Conservation Area

35. The approved development was subject to a comprehensive study of local townscape views, including those referred to in the Conservation Area Character Study to assess its impact on the setting of St Paul's Cathedral and from within the surrounding streets, as per the requirement set out in paragraph 132 of the National Planning Policy Framework (NPPF).
36. The appearance and increased height of the development was developed with the aim of avoiding detrimental impacts to the relevant designated heritage assets which in this case comprise the St Paul's Cathedral Conservation Area and the listed buildings referred to below.
37. With regard to St Paul's Cathedral, views along Ludgate Hill heading eastwards towards the Cathedral would be essentially unchanged. The removal of the plant enclosures at roof level on the existing buildings would be beneficial in views looking back westwards from the Cathedral. The existing buildings are also clearly visible in views from the Cathedral's Golden Gallery and Stone Gallery. Although the height of the building has been disguised at street level by carefully designed set-backs, the overall height would be evident in views from St Paul's Cathedral. The degree to which this increased height would be noticeable amongst the surrounding roofscape would, however, be minimal.
38. From other locations around the site, in views from Ave Maria Lane, views looking north and southward along Creed Lane, and looking east and westward along Ludgate Square, there would continue to be a

noticeable change in the appearance of this building compared to the existing buildings but it is considered that there would be no detrimental impact on the essential character of these streets.

#### Setting of Other Listed buildings

39. A number of other listed buildings are located sufficiently close to the site for their settings to be potentially affected by the revisions to the proposed development. These buildings include: 1-3 Ludgate Square (Grade II) to the west of the site; the Church of St Martin (Grade I) on the northern side of Ludgate Hill; 34-40 Ludgate Hill (Grade II) to the northern side of Ludgate Hill; St Paul's Deanery (Grade I) to the east of the site; and the Youth Hostel, 36 Carter Lane (Grade II) to the east of the building. The setting of these buildings would not be adversely affected by the revised proposals.

#### London View Management Framework and St. Paul's Heights

40. The Mayor London's View Management Framework (LVMF) is Supplementary Planning Guidance to the London Plan and sets out the strategic context for the protection of identified landmarks. The development falls within the Viewing Corridors and Background Assessment Areas for a number of protected vistas of St Paul's Cathedral but does not rise sufficiently high to breach any of these long distance protected vistas.
41. The site falls within the St Paul's Heights (SPH) policy area that protects local views of St Paul's Cathedral from within and around the City. The SPH height restrictions would restrict the overall height of the proposals to c.40.5m to 42.3m AOD. The highest part of the proposed development would continue to be 38.95m AOD, which would be fully in accordance with the provisions of the SPH policy.

#### Design Conclusion

42. Although the current application is largely similar in appearance to that permitted under reference 14/00300/FULMAJ, the revisions embodied in the current scheme represent small-scale but valuable improvements to the visual appearance of the proposed buildings.
43. Incorporating the 1980s entrance archway to Creed Court in Ludgate Hill to form the entrance to the Ludgate Hill facing shopfront would contribute to street interest and continuity at pedestrian level. The amendments made to the Creed Lane and Ludgate Square ground floor frontages are also welcomed. The further refinement of the ground floor frontages to these streets has improved the detailing of windows and shopfronts and has successfully incorporated the required electricity sub-station at ground floor level.
44. Further design development of the hotel's interior plan form has lead to beneficial amendments to the upper levels of the facades on these two streets to provide further visual interest. The slight enlargement of the central courtyard at the lower levels would be mildly beneficial to residents and the detailing of flue locations, tree pits, and window positions has been developed acceptably. Other details such as the

slightly raised parapets and changes to the roof profile are mainly practical measures related to buildability, which would not be visible from street level.

45. The design of the permitted scheme was the subject of much discussion during its pre-application stage to ensure its compatibility character of the surrounding streets within the St Paul's Cathedral Conservation Area, to ensure compliance with the provisions of NPPF Paragraph 132, and relevant Local Plan policies. The proposed revisions to the buildings are beneficial changes that would enhance the appearance of the proposed building in relation to its impact on local townscape views.

#### Transport and Servicing

46. The Transport Assessment submitted with the original application set out an evaluation of the likely vehicle movements as a result of the development and how the servicing regime would be accommodated to facilitate the redevelopment of the site and the change of use from office (Class B1) to a 140-room hotel (Class C1) and restaurant (Class A3).
47. An average of 76 taxi trips to and from the hotel and restaurant were predicted per day, which represents an increase of 71 trips over the existing office and retail use of the site. An average of 23 servicing trips to the hotel and restaurant were predicted per weekday, with a majority of the trips anticipated to be made using a transit type van (15 trips). A small increase of three service trips per day was predicted compared to existing building trip rates (presuming full occupancy), with an increased proportion of transit type vans.
48. The Transport Addendum submitted with the application has assessed the impact of the increase in hotel rooms from 140 (as originally proposed and assessed) to 152 and the decrease in restaurant floorspace on visitor and servicing trips. It notes that the level of visitor trips is anticipated to reduce as a result of the reduction in restaurant (Class A3) floorspace and the number of servicing trips is anticipated to remain the same or to marginally be reduced. Overall, it is considered that the proposed minor material amendments to the development would not result in a material impact in terms of person trip generation, servicing activity and taxi drop-off and pick-up movements.

#### Cycle parking and facilities

49. Policy DM16.3 of the Local Plan requires cycle parking provision for hotel development to meet London Plan standards. The proposed level of cycle parking would not be altered in the revised scheme. A minimum of 24 cycle parking spaces would be provided on site for hotel staff and patrons within a dedicated area at lower ground floor level. Staff shower rooms and changing facilities would be provided adjacent to the cycle parking. The proposed cycle parking provision would conform with Local Plan and London Plan cycle parking standards. A travel plan would be required through the Section 106 agreement.

## Waste Management

50. The centralised waste storage area has been relocated to the ground floor in the revised scheme and provided with access from Creed Lane that would be independent of the adjacent service area to avoid interference with hotel deliveries. The proposed revised waste storage and collection arrangements have been reviewed by the City of London's Community Facilities Manager who has confirmed that they comply with City of London requirements.

## Access and Inclusive Design

51. Local Plan Policy DM10.8 Access and Inclusive Design requires that developments meet the highest standards of accessibility and inclusive design. The proposed development would provide level access via the main entrances. There are level changes across the site which would be addressed at ground floor level through internal ramps, details of which are required by condition.
52. At least 10% of the hotel rooms would be accessible for people with disabilities, which would be required by condition. The proposed gym facilities would be easily accessible with sufficient space for all hotel occupants to manoeuvre. The proposed staff changing areas would incorporate accessible shower and changing facilities adjacent to the male and female changing areas.
53. Due to a limited footprint and restricted vehicle access into the site, no disabled car parking spaces are proposed as part of the development. A condition is included requiring the submission of an accessibility management plan prior to the occupation of the hotel including details of accessible car parking provision as well as drop off and collection arrangements for disabled visitors.

## Sustainability and Energy

54. The energy statement for the revised scheme concludes that the increase in the number of hotel rooms does not alter the focus or concepts in the Energy and BREEAM strategy and the ability to meet the planning targets. The main plant selection changes proposed are to the Combined Heat and Power (CHP) system, which would increase in size from a 20kWt and 3000 litre thermal store to a 30kWt matched with a 4000 litre thermal store. A post construction BREEAM assessment demonstrating that a target rating of 'Excellent' has been achieved would be required, by condition, to be submitted as soon as possible after practical completion of the development.
55. The energy statement confirms that the revised development has been designed to achieve a 39.5% improvement over the 2013 Building Regulations Part L. This is achieved through building fabric, on site CHP for domestic hot water supply and the use of Aerothermal heat pumps. This complies with the London Plan target of a 35% improvement over the 2013 Building Regulations. The development has been designed to enable connection to a district heating network in the future.

56. The revised development includes proposals for areas of green roof across the different roof levels, which would provide opportunities for biodiversity and rainwater attenuation. Further details of the position and size of the green roofs, the type of planting and the contribution of the green roofs to biodiversity and rainwater attenuation are required by condition. Photovoltaic arrays are proposed at roof level, the details of which are required by condition.

### **Impact on Residential Amenity**

57. The site is on the edge of the Carter Lane Residential Area. Local Plan Policy DM21.3 Residential Environment states that the amenity of existing residents within identified residential areas will be protected by resisting other uses which would cause undue noise disturbance, fumes and smells and vehicle or pedestrian movements likely to cause disturbance and requiring new development near existing dwellings to demonstrate adequate mitigation measures to address any potential detrimental impact.

### **Daylight and Sunlight**

58. 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 'Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice'. 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.
59. Policy DM21.3 requires development proposals to be designed to avoid overlooking and seek to protect the privacy, daylighting and sunlighting levels to adjacent residential accommodation.
60. The BRE guidelines present the following methodologies for measuring 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 the 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 the 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.

### Daylight and Sunlight Assessment

61. The application is supported by a daylight and sunlight assessment which presents measurements of the impact of the originally permitted scheme and the current proposals on the existing daylight and sunlight received by the neighbouring residential properties at 1 – 3 Ludgate Square, 2 Ludgate Square (Lambert House), 6 – 7 Ludgate Square, 8 – 9 Ludgate Square, 46, 48 and 50 Carter Lane.
62. The City Corporation commissioned Delva Patman Redler to independently review the assessment, the findings of which have informed the City's recommendations. The comments below relate to the impact of the current proposals on the existing daylight and sunlight conditions but with reference to the permitted scheme, where appropriate.

### 1 Ludgate Square

63. This property is located to the west of the site. Of the 31 windows assessed for daylight, 30 would achieve BRE compliance for VSC. One window would experience a reduction in VSC of 22.6% and serves a room that has an additional 8 windows that would comply with the BRE guidelines. All rooms meet the BRE's daylight distribution (NSL) standard. The daylight impact to this property is considered to be negligible. The sunlight results would be BRE compliant.

### Lambert House, 2 Ludgate Square

64. This residential property is located directly to the west of the site and shares the internal courtyard to Creed Court. 17 windows to the internal courtyard in this property were assessed for daylight. one would experience a reduction in daylight (VSC) of more than 20%; this would be 21.7%, which is marginally above the BRE threshold of what is considered to be noticeable.
65. 15 courtyard facing rooms to nine flats were assessed for daylight distribution (NSL). Of the 15 rooms assessed seven would experience reductions in daylight distribution (NSL) that would not technically

comply with the BRE guidelines; five would experience reductions between 23% and 33.3%; two would experience reductions of 44.6% and 48% (the windows serving these two rooms would have negligible to minor reductions in VSC). The reductions in daylight to this property is considered to be minor adverse with a small number of incidences of minor to moderate adverse impact. Overall, the daylight impacts would generally be a slight improvement compared to the consented scheme.

66. All 17 windows face within 90 degrees of due south and have been assessed for sunlight. 15 out of the 17 windows would meet the BRE guidelines for APSH. One window, which serves a bedroom, would experience an annual reduction in sunlight from 14% to 6% APSH (a reduction of 57%); the other window, which also serves a bedroom would experience an annual reduction in sunlight from 22% to 12% (a reduction of 45.5%). It is noted that the windows affected would comply with the BRE guidelines in terms of daylight (VSC). It is also noted that the remaining bedrooms in these properties would comply with the BRE guidelines in terms of sunlight (APSH) and that the living room and kitchens to these flats have windows facing away from the site onto Ludgate Square, which would not be affected by the development.
67. Overall, the sunlight impact on the majority of windows at this property would be negligible. Whilst there are two incidences where the sunlight impact to windows would be noticeable the daylight impact to these windows would not be noticeable.

### 3 Ludgate Square

68. This property is located to the west of the site on the other side of Ludgate Square. Seven of the 24 windows assessed for daylight for this property would not meet the VSC standard and would serve the one room that would not meet the NSL standard. The VSC losses would be between 21% and 28%, the NSL loss would be 23.8%. The room served by the windows that do not meet the VSC standard would retain around 52% of its floor area receiving direct sky visibility (NSL), which can be considered good for a dense urban location. The reductions in daylight, which have improved slightly from the consented scheme are considered to be of a minor adverse impact. The sunlight results for this property would be BRE compliant.

### 6 – 7 Ludgate Square

69. These buildings are located to the south west of the proposed development on the other side of Ludgate Square. Five of the 43 assessed for this property would not meet the VSC standard. These windows serve three rooms to which the impact on daylight distribution would be negligible to minor adverse. Overall, the daylight results for this property represent a slight improvement to the consented scheme.
70. Only 7 Ludgate Square has windows within 90 degrees of due south, all which would meet the BRE guidance for sunlight (APSH).



## 8 Ludgate Square

71. This building is located to the south of the site on the other side of Ludgate Square. Six of the 10 windows assessed for this property would not meet the VSC standard. The impact on sky visibility would be minor to moderate adverse, with reductions in VSC between 27% to 39.7%. These windows serve two rooms, one of which would not meet the NSL standard. This room would experience a 38% reduction in daylight distribution (NSL) compared with a 34% reduction previously and would be left with 10% of the room having direct sky visibility, compared to 12.56% for the consented scheme. Overall, the daylight results for this property would represent a slight improvement on the consented scheme.
72. No windows within the property face within 90 degrees of due south, so they have not been assessed for sunlight.

## 9 Ludgate Square

73. This building is located to the south of the site on the other side of Ludgate Square. Five of the 20 windows assessed for this property would not meet the VSC standard. These windows serve two rooms for which the impact would be minor adverse. The daylight distribution impact would be negligible, and a number of rooms would experience an increase in the area of the room that would have direct sky visibility.
74. No windows within the property face within 90 degrees of due south, so they have not been assessed for sunlight.

## 46 Carter Lane

75. This property is located to the south of the site and comprises commercial units on the lower floors with residential units on the upper floors. One of the two windows assessed in this property would not meet the VSC standard with a reduction of 24.5% from existing. However, where a room has two windows it is appropriate to assess the average loss across both windows and in doing so the VSC standard would be met. In addition, the NSL standard is met. Therefore, the overall daylight impact on this property is considered to be negligible.
76. As the windows within this property do not face within 90 degrees of due south, they have not been assessed for sunlight.

## 48 Carter Lane

77. The windows and rooms to this property would meet both the VSC and NSL tests. The windows within this property do not face within 90 degrees of due south, so they have not been assessed for sunlight.

## 50 Carter Lane

78. The property is located to the south of the site. The upper floors are in residential use. The results for this property show that one window out of the two tested would not meet the VSC standard, and both rooms served by the two windows would not meet the NSL standard, with one experiencing a reduction in NSL of 35.8%, the other a reduction of 43% (however, the window to this room would meet the VSC standard). The

VSC reduction to the window that does not pass is 22.2% below the existing level and is therefore only a marginal breach. The reduction in daylight to these rooms as a result of the development is considered to be minor to moderate adverse.

79. As the windows within this property do not face within 90 degrees of due south, they have not been assessed for sunlight.

#### Daylight and Sunlight Conclusions

80. The daylight and sunlight assessment demonstrates that the majority of windows and rooms assessed would not experience noticeable reductions in daylight and sunlight with high levels of compliance of VSC, NSL and APSH. Whilst there will be some impacts on the daylight and sunlight received by neighbouring properties, the majority of these impacts would be minor in nature. Overall, the daylight and sunlight implications for neighbouring properties are considered to be acceptable given the densely developed urban nature of the site and in accordance with the requirements of Local Plan Policy DM10.7 and DM21.3.

#### Potential for Light Pollution

81. Concerns have been raised by residents in Lambert House regarding the potential for light pollution as result of the increase in courtyard glazing over and above that approved and in the existing building.
82. The number of courtyard windows in the facades of the development would increase from 34 in the approved scheme to 64 in the revised proposals. A skylight is proposed at basement level one to serve the basement level gym associated with the hotel. The total area of courtyard glazing (including the basement skylight) in the development would increase from 78.7sq.m (as approved) to 150.2sq.m. The existing building has 132.2sqm of courtyard glazing.
83. An assessment on the potential for light intrusion from the proposed development has been provided in response to the residents' concerns raised. The assessment has been carried out in accordance with guidance provided by the Institute of Lighting Professionals (ILP) on the reduction of obtrusive light.
84. The 64 windows proposed would serve hotel bedrooms. The assessment notes that the levels of light within hotel bedrooms are generally considered to be low at about 50-150 lux across the working plane, and similar in nature to residential light levels. This is significantly below the 300-500 lux levels recommended for offices, the existing use of the building.
85. The windows to the courtyard would comprise obscured glazing, which would serve to remove the possibility of direct vision of any light fitting from a neighbouring receptor. Light spill would therefore be indirect and at a reduced intensity.
86. Whilst the basement gym would be lit to higher level than hotel bedrooms, it would be lit with downlights. Any light reaching the skylight to the gym would be indirect having first reflected off the floor, which would serve to reduce intensity. Light intensity would be further reduced

by the inclusion of obscured glazing and the proposed trees that would site above the basement skylight, which would obscure the view of the skylight from neighbouring residential windows.

87. Overall, the potential for light intrusion in the courtyard is considered to be low and any potential effect would be well below the thresholds recommended within the ILP guidance.

#### Privacy and Overlooking

88. Objections have been raised by local residents regarding the potential for increased overlooking and a loss of privacy as a result of the proposed revisions to development. The concerns raised relate specifically to the potential for overlooking from hotel windows facing the internal courtyard shared with Lambert House and hotel rooms at sixth floor level facing west onto Ludgate Hill directly overlooking the amenity terraces of Flat 22, 3 Ludgate Square.
89. All proposed windows to the internal courtyard would have fixed and opaque glazing, which would prevent overlooking. Access to the courtyard and the roof of the development has been restricted to maintenance purposes and in the case of emergency only. These design details and restrictions would be controlled by conditions.
90. The plant room that was approved at sixth floor level on the Ludgate Square side of the development has been replaced with four hotel rooms in the revised scheme. Two of the rooms (rooms 04 and 05) would have windows facing onto Ludgate Square. The windows in room 04 would face in the general direction of the amenity terraces of Flat 22, 3 Ludgate Square. However, the windows are considered to be of a sufficient distance away from the terrace, and the angle sufficiently oblique, so as not to give rise to an unacceptable level of overlooking.

#### Noise

91. Policy DM15.7 of the Local Plan requires that the layout, orientation and use of buildings should be designed such that operational noise does not adversely affect neighbours, particularly noise sensitive land uses such as residential units. Any potential noise conflict between existing activities and new development should be minimised, with mitigation measures introduced where the avoidance of noise conflicts is impractical.
92. The proposed development has been designed to mitigate the noise impact on neighbouring residential properties. The proposed courtyard shared with Lambert House and areas of green roof would only be accessible for maintenance purposes and in emergency. The windows to the shared courtyard would be fixed and opaque.
93. The main entrances to the development would be to Ludgate Hill and the corner of Creed Lane and Ludgate Square away from residential properties. The servicing area would be on Creed Lane in place of the existing, away from the existing residential properties.
94. The basement level gym would be at least three floors below the windows of the nearest noise sensitive premises. Conditions are

included requiring that the noise level in the nearest residential bedrooms does not exceed NR30 attributable to the gym and that no live or recorded music that can be heard outside the premises shall be played.

#### Noise Impact of Plant

95. Policy DM15.7 requires that developers will be required to demonstrate that there will be no increase in background noise levels associated with new plant and equipment.
96. The existing building contains an array of roof top plant rooms around the existing courtyard that is shared with Lambert House. The revised proposals include: (i) two basement level plant rooms; (ii) a relocated UKPN substation to Ludgate Square at ground floor level; (iii) an internal plant room at first floor level at the north west corner of the courtyard; (iv) ventilation units within each of the hotels rooms that would sit behind the new build façades; and (v) a rooftop plant enclosure that would be located in the same location as the approved rooftop plant enclosure but set back from the southern perimeter of the courtyard.
97. Residents in Lambert House have raised concerns regarding the noise impact of plant, specifically the plant room that would be introduced at first floor level at the north west corner of the courtyard and the relocated UKPN substation at ground floor level that would share a party wall with Lambert House, albeit at lower level than the residential properties.
98. The Environmental Noise Survey Report submitted with the application sets out the findings of an acoustic background noise level survey and identifies the measures that will be undertaken to ensure that new plant would operate at 10dB below current minimum background levels. This would include the selection of low-noise plant, the installation of an acoustic enclosure for the external rooftop plant and the use of atmospheric duct-mounted attenuators, where necessary, on air moving plant. The hotel room ventilation system would incorporate duct mounted attenuators within the rooms to ensure that plant noise would not be transferred externally.
99. Conditions have been included requiring the noise level from any plant be maintained at 10dB(A) or more below the minimum background level at the nearest sensitive receptors, including nearby residential premises, and details of the measures to be incorporated within the UKPN substation to ensure that there would be no noise or vibration transfer between the sub-station and adjacent premises at Lambert House.

#### Air Quality

100. Policy DM15.6 of the Draft Local Plan provides guidance on air quality and highlights that developers are required to consider the impact of their proposals on air quality and, where appropriate, provide an Air Quality Assessment.
101. The City of London's Air Quality Supplementary Planning Document (SPD) sets out the City Corporation's requirements for reducing air pollution from new and refurbished developments within the Square Mile.

The whole of the City of London is classed as an Air Quality Management Area for nitrogen dioxide (NO<sub>2</sub>) and particulates (PM<sub>10</sub>).

102. An Air Quality Impact Assessment (AQIA) has been submitted with the application, which addresses the potential air quality impacts during both the demolition, construction and operational stages of the proposed development.
103. The AQIA concludes that, through good site practice, the implementation of suitable mitigation measures and adherence to the City of London Code of Construction for Deconstruction and Construction Sites, the residual effect of the demolition and construction phase of the development on air quality would be 'not significant'.
104. The AQIA recognises that although there would be some increases in local nitrogen dioxide levels (NO<sub>2</sub>), primarily as a result of the proposed on-site energy centre (on-site CHP and boilers), the overall air quality impact of the operational phase of the development would be negligible.
105. The Air Quality Neutral Assessment included in the AQIA demonstrates that the proposed development would be air quality neutral.
106. The air quality impacts of the operational phase of the development would be mitigated through the installation of low nitrogen oxide boilers and CHP on the site and the installation of combustion flues one metre above the highest roof, at least three metres above any accessible areas and away from air intakes. The replacement of the existing 20 years old heating plant by modern equipment would have a positive impact on air quality and provide greater efficiency.
107. A condition is included which requires that prior to any plant being commissioned and installed on the site an air quality report shall be submitted that demonstrates how the completed development will minimise emissions and exposure to air pollution during its operational phase and that the development would comply with the City of London's Air Quality SPD.

#### Mitigating the impact of construction works

108. A Construction & Demolition Environmental Management Plan was approved on 29 March 2018, which provides details of the scheme for the protection of nearby residents and commercial occupiers from noise, dust and other environmental effects during demolition and construction. A condition has been included requiring that the demolition and construction phases of the development be carried out in accordance with the approved Environmental Management Plan.
109. A Demolition & Construction Logistics Plan was approved on 22 May 2018, which sets out how all freight vehicle movements to and from the site would be managed during demolition of the existing buildings and the construction of the development. A condition has been included requiring that the demolition and construction phases of the development is carried out in accordance with the approved logistics plan.

### St Paul's Depths

110. The site is within the area prescribed by the City of London (St. Paul's Cathedral Preservation) Act. The Act controls works involving deep excavations in the vicinity of the Cathedral which may result in subsidence of the foundations and risk to the structure of the Cathedral. The existing building has one basement at varying levels. The approved scheme has three basement levels. The revised scheme proposes two basement levels, that would be constructed to the same depth as the approved scheme. As deep level works are proposed, and in accordance with the Act, the Dean and Chapter have been consulted.
111. A Specification for Ground Investigation and Geotechnical Report and Desk Study & Site Investigation Report dated March 2018 have been submitted with this application. The Site Investigation Report sets out the findings of the second phase of site investigation on this site. It confirms the expected ground conditions and has not identified any new information or potential issues that would alter the conclusions of the Basement Impact Assessment submitted with the previous application.
112. The Basement Impact Assessment concludes that the construction of the proposed basement and substructure would have no adverse effects on St Paul's Cathedral. The Dean and Chapter have confirmed that they have no further comments.

### Ground Movement Assessment

113. The Ground Movement Assessment submitted with the previous application considered the effects of the proposed basement construction on the adjacent building at Lambert House. The assessment predicted that the potential for damage to Lambert House would generally be negligible, very slight or slight.
114. It is anticipated that monitoring would take place at least weekly during groundworks and daily where excavation against critical areas is underway. The separate phases of work, including demolition, piling and the subsequent excavation of the proposed basement structures would in practice be separated by a number of weeks which would allow any necessary curing to take place.

### Archaeology

115. The site is in an area of significant archaeological potential where remains from the Roman to the post medieval may be expected. It is adjacent to a major Roman road leading into the city and within the north eastern area of Montfichet's Tower, dating from the Norman period.
116. The existing building has a single basement at differing levels which has affected potential archaeological survival. The potential is low in the deeper basement area and moderate elsewhere. The first phase of archaeological evaluation has provided additional information on archaeological potential. This indicates low survival with potential for deep cut features to survive below the basement floor slab. Further evaluation is planned and the results of this work would inform the design of an appropriate mitigation strategy. The survival of any

archaeological features would have the potential to understand further the character and features of Montfichet's Tower.

117. Conditions are attached to cover archaeological evaluation, a programme of archaeological work and foundation design.

### **Planning Obligations and Community Infrastructure Levy**

118. The development would require a variation to the existing deed dated 06 October 2017 to secure the planning obligation contributions. It would result in an additional payment of the Community Infrastructure Levy (CIL) to help fund the provision of infrastructure in the City of London.

119. These contributions would be in accordance with Supplementary Planning Documents (SPDs) adopted by the Mayor of London and the City. The planning obligations and CIL contributions are set out below.

### **Mayoral CIL and Planning Obligations**

<b>Liability in accordance with the Mayor of London's policies</b>	<b>Contribution</b>	<b>Forwarded to the Mayor</b>	<b>City's charge for administration and monitoring</b>
Mayoral Community Infrastructure Levy payable	£52,300	£50,208	£2,092
Mayoral planning obligation net liability*	£0	£0	£0
<b>Total liability in accordance with the Mayor of London's policies</b>	<b>£52,300</b>	<b>£50,208</b>	<b>£2,092</b>

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

The Crossrail contribution has been calculated using the method provided in annex 4 for mixed use development, in the Mayor of London SPG "Use of Planning Obligations in the funding of Crossrail, and the Mayoral Community Infrastructure Levy."

The total Crossrail contribution under the proposed calculation is less than the amount under the existing calculation. Therefore, there is no Crossrail payment due.

### City CIL and S106 Planning Obligations

<b>Liability in accordance with the City of London's policies</b>	<b>Contribution</b>	<b>Available for allocation</b>	<b>Retained for administration and monitoring</b>
City CIL	£78,450	£74,527	£3,923
City Planning Obligation Affordable Housing	£20,920	£20,711	£209
City Planning Obligation Local, Training, Skills and Job Brokerage	£3,138	£3,107	£31
City Planning Obligation Monitoring Charge	£0	£0	£0
<b>Total liability in accordance with the City of London's policies</b>	<b>£102,508</b>	<b>£98,345</b>	<b>£4,163</b>

### City's Planning Obligations

120. The proposal seeks to amend the approved development. The developer obligations contained within the signed deed remain relevant and would not be required to be varied, with the exception of financial obligations.

121. I request that I be given delegated authority to vary the terms of the deed dated 06 October 2017 to capture the uplift in floorspace and any other minor changes as necessary.

### Monitoring and Administrative Costs

122. 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.

123. 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

124. 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.



## **Conclusion**

125. The proposed changes to the scheme would not alter the overall bulk and massing of the development, with only minor changes at roof level and the overall essence of the approved design would be retained. The proposed revisions to the scheme are predominantly to the internal layout and would result in a development which would not be substantially different to that which has been approved.
126. The proposed changes to the external appearance of the development reflect the more detailed design development of the proposals and would provide small-scale but valuable improvements to the visual appearance of the building. The height, bulk, massing and design of the revised proposed building would continue to preserve the character and appearance of the St. Paul's Cathedral Conservation Area, and the setting of nearby listed buildings.
127. The proposed minor amendments to the servicing arrangements for the development are considered to be acceptable and the revisions to the scheme would not have a material impact on the servicing of the development.
128. It has been sufficiently demonstrated that the proposed revisions to the scheme would not have an unacceptable adverse impact on the amenities of nearby residential occupiers in relation to privacy, overlooking, noise, air quality, light pollution, daylight or sunlight.
129. The courtyard glazing would continue to be obscured and fixed and the increase in glazing within the courtyard would not lead to an adverse level of light intrusion to adjacent residential properties.
130. The proposed development has been designed to mitigate the noise impact on neighbouring residential properties, with all entrances located away from noise sensitive receptors. Access to the internal courtyard and roof of the development would continue to be restricted for maintenance and emergency only.
131. The revised mechanical plant on the building would be required to operate at 10dB(A) or more below the minimum background noise levels for the life of the development, and sufficient sound insulation would be required for the relocated UKPN sub-station and basement gym.
132. The development would not have an adverse impact on air quality and would be air quality neutral.
133. The proposed amendments to the scheme are considered to be acceptable and the revised development would continue to comply with the Development Plan as a whole.

## **Background Papers**

### **Internal**

Memo 03 January 2018 Department of Markets and Consumer Protection

### **External**

E-mail 10 January 2018 Thames Water

E-mail 13 August 2018 Surveyor to the Fabric of St Paul's Cathedral

## **Objections**

### **2017 Consultation**

E-mail 31 December 2017 Matthew Rimmer

E-mail 31 December 2017 Richard Regan

E-mail 03 January 2018 Ann Holmes

E-mail 04 January 2018 Ken Rimmer

E-mail 05 January 2018 Nicola Bell

Online 05 January 2018 Mr Nicholas Bailey

Letter 05 January 2018 Nick and Max Bailey

E-mail 07 January 2018 Mr M. Bajaj

E-mail 08 January 2018 Michael Tang

Letter 09 January 2018 Sir Brian and Lady Langstaff

Letter 09 January 2018 Harman Sond, Drawing and Planning

E-mail 09 January 2018 Mrs J.L. Rimmer

Online 10 January 2018 Mr Brian Langstaff

E-mail 10 January 2018 Ms. Y. Tan

### **2018 Consultation**

Letter 30 June 2018 Nicola Bell

E-mail 02 July 2018 Matthew Rimmer

Letter 03 July 2018 Mr J Colombano and Ms M L Kirk

E-mail 05 July 2018 Michael Tang

E-mail 05 July 2018 Mrs Janice Rimmer

Letter 06 July 2018 Sir Brian and Lady Langstaff

## **Application Documents**

Existing Drawings

Consented Drawings

Substation Noise Survey  
UKPN Existing Basement General Arrangement Plan  
UKPN Existing Ground General Arrangement Plan  
Hotel Management Plan undated Dominvs Group  
Report on First Phase of Evaluation October 2013 MOLA  
Structural Report March 2014 undated Michael Alexander Consulting Engineers  
Historic Building Report March 2014 Donald Insall Architects  
Historic Environment Assessment 19 March 2014 MOLA  
Delivery and Servicing Plan 28 March 2014 JMP Consultants Limited  
Transport Statement 28 March 2014 JMP Consultants Limited  
Ground Movement Assessment Report February 2017 Michael Alexander Consulting Engineers  
BREEAM Report 31 October 2017 Hilson Moran  
Environmental Noise Survey Report 31 October 2017 Hilson Moran  
Flood Risk Assessment 31 October 2017 Hilson Moran  
Transport Addendum 01 November 2017 Systra  
Accessibility Management Plan 01 November 2017 Systra  
Letter 10 November 2017 Systra  
Letter 13 November 2017 Michael Alexander Consulting  
Air Quality Impact Assessment 14 November 2017 Hilson Moran  
Letter 17 November 2017 MOLA  
Letter 22 November 2017 DP9  
Proposed Scheme Amendments Report June 2018 Dexter Moren Associates  
Letter 11 June 2018 GIA  
Mechanical Services Installation Plan July 2018 Caldwell  
Building Services Installation Plan July 2018 Caldwell  
Glazing Comparison 09 July 2018 Dexter Moren Associates  
Letter 11 July 2018 GIA  
Letter 23 August 2018 Delva Patman Redler

## **Appendix A**

### **London Plan Policies**

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 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 5.13 Development should utilise sustainable urban drainage systems (SUDS) unless there are practical reasons for not doing so.

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 7.2 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 7.6 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 7.8 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 7.14 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 7.19 Development proposals should, wherever possible, make a positive contribution to the protection, enhancement, creation and management of biodiversity.

#### Relevant Local Plan Policies

##### ***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.

##### ***CS2 Facilitate utilities infrastructure***

To co-ordinate and facilitate infrastructure planning and delivery to ensure that the functioning and growth of the City's business, resident, student and visitor communities is not limited by provision of utilities and telecommunications infrastructure.

##### ***CS4 Seek planning contributions***

To manage the impact of development, seeking appropriate developer contributions.

##### ***CS10 Promote high quality environment***

To promote a high standard and sustainable design of buildings, streets and spaces, having regard to their surroundings and the character of the City and creating an inclusive and attractive environment.

##### ***CS11 Encourage art, heritage and culture***

To maintain and enhance the City's contribution to London's world-class cultural status and to enable the City's communities to access a range of arts, heritage and cultural experiences, in accordance with the City Corporation's Destination Strategy.

##### ***CS12 Conserve or enhance heritage assets***

To conserve or enhance the significance of the City's heritage assets and their settings, and provide an attractive environment for the City's communities and visitors.

***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.

***CS15 Creation of sustainable development***

To enable City businesses and residents to make sustainable choices in their daily activities creating a more sustainable City, adapted to the changing climate.

***CS16 Improving transport and travel***

To build on the City's strategic central London position and good transport infrastructure to further improve the sustainability and efficiency of travel in, to, from and through the City.

***CS17 Minimising and managing waste***

To support City businesses, residents and visitors in making sustainable choices regarding the minimisation, transport and management of their waste, capitalising on the City's riverside location for sustainable waste transfer and eliminating reliance on landfill for municipal solid waste (MSW).

***CS20 Improve retail facilities***

To improve the quantity and quality of retailing and the retail environment, promoting the development of the five Principal Shopping Centres and the linkages between them.

***CS21 Protect and provide housing***

To protect existing housing and amenity and provide additional housing in the City, concentrated in or near identified residential areas, as shown in Figure X, to meet the City's needs, securing suitable, accessible and affordable housing and supported housing.

***DM1.1 Protection of office accommodation***

To refuse the loss of existing (B1) office accommodation to other uses where the building or its site is considered to be suitable for long-term viable office use and there are strong economic reasons why the loss would be inappropriate. Losses would be inappropriate for any of the following reasons:

- a) prejudicing the primary business function of the City;
- b) jeopardising the future assembly and delivery of large office development sites;

- c) removing existing stock for which there is demand in the office market or long term viable need;
- d) introducing uses that adversely affect the existing beneficial mix of commercial uses.

### ***DM1.3 Small and medium business units***

To promote small and medium sized businesses in the City by encouraging:

- a) new accommodation suitable for small and medium sized businesses or occupiers;
- b) office designs which are flexible and adaptable to allow for sub-division to create small and medium sized business units;
- c) continued use of existing small and medium sized units which meet occupier needs.

### ***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.

### ***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.

### ***DM10.5 Shopfronts***

To ensure that shopfronts are of a high standard of design and appearance and to resist inappropriate designs and alterations. Proposals for shopfronts should:

- a) respect the quality and architectural contribution of any existing shopfront;
- b) respect the relationship between the shopfront, the building and its context;
- c) use high quality and sympathetic materials;
- d) include signage only in appropriate locations and in proportion to the shopfront;
- e) consider the impact of the installation of louvres, plant and access to refuse storage;
- f) incorporate awnings and canopies only in locations where they would not harm the appearance of the shopfront or obstruct architectural features;

- g) not include openable shopfronts or large serving openings where they would have a harmful impact on the appearance of the building and/or amenity;
- h) resist external shutters and consider other measures required for security;
- i) consider the internal treatment of shop windows (displays and opaque windows) and the contribution to passive surveillance;
- j) be designed to allow access by users, for example, incorporating level entrances and adequate door widths.

#### ***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.

#### ***DM11.3 Hotels***

Proposals for new hotel and apart-hotel accommodation will only be permitted where they:

- a) do not prejudice the primary business function of the City;
- b) are not contrary to policy DM1.1;
- c) contribute to the balance and mix of uses in the immediate locality;
- d) do not result in adverse impacts on the amenity of neighbouring occupiers, including cumulative impacts;
- e) provide satisfactory arrangements for pick-up/drop-off, service delivery vehicles and coaches, appropriate to the size and nature of the hotel or apart-hotel;

- f) are inclusive, providing at least 10% of hotel rooms to wheelchair-accessible standards;
- g) ensure continuing beneficial use for historic buildings, where appropriate.

#### ***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.

#### ***DM12.2 Development in conservation areas***

1. Development in conservation areas will only be permitted if it preserves and enhances the character or appearance of the conservation area.
2. The loss of heritage assets that make a positive contribution to the character or appearance of a conservation area will be resisted.
3. Where permission is granted for the demolition of a building in a conservation area, conditions will be imposed preventing demolition commencing prior to the approval of detailed plans of any replacement building, and ensuring that the developer has secured the implementation of the construction of the replacement building.

#### ***DM12.3 Listed buildings***

1. To resist the demolition of listed buildings.
2. To grant consent for the alteration or change of use of a listed building only where this would not detract from its special architectural or historic interest, character and significance or its setting.

#### ***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.

#### ***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.

#### ***DM15.6 Air quality***

1. Developers will be required to consider the impact of their proposals on air quality and, where appropriate, provide an Air Quality Impact Assessment.
2. Development that would result in deterioration of the City's nitrogen dioxide or PM10 pollution levels will be resisted.
3. Major developments will be required to maximise credits for the pollution section of the BREEAM or Code for Sustainable Homes assessment relating to on-site emissions of oxides of nitrogen (NOx).
4. Developers will be encouraged to install non-combustion low and zero carbon energy technology. A detailed air quality impact assessment will be required for combustion based low and zero carbon technologies, such as CHP plant and biomass or biofuel boilers, and necessary mitigation must be approved by the City Corporation.
5. Construction and deconstruction and the transport of construction materials and waste must be carried out in such a way as to minimise air quality impacts.
6. Air intake points should be located away from existing and potential pollution sources (e.g. busy roads and combustion flues). All combustion flues should terminate above the roof height of the tallest building in the development in order to ensure maximum dispersion of pollutants.

#### ***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.

#### ***DM15.8 Contaminated land***

Where development involves ground works or the creation of open spaces, developers will be expected to carry out a detailed site investigation to establish whether the site is contaminated and to determine the potential for pollution of the water environment or harm to human health and non-human receptors. Suitable mitigation must be identified to remediate any contaminated land and prevent potential adverse impacts of the development on human and non-human receptors, land or water quality.

#### ***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.

### ***DM19.2 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.

### ***DM20.2 Retail links***

To encourage the provision and resist the loss of retail frontage and floorspace within the Retail Links. A mix of shops and other retail uses will be encouraged in the Links, ensuring that the location and balance of uses does not adversely affect the function of the Link, any nearby PSC or their surrounding areas.

### ***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: 17/01207/FULMAJ

**Creed Court 3 - 5 Ludgate Hill, 1 - 3 Creed Lane And 11 - 12 Ludgate Square**

**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, Creed Lane and to the internal courtyard; (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 466sq.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.**

## CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of planning permission 14/00300/FULMAJ dated 06 October 2017.  
REASON: To ensure compliance with the terms of Section 91 of the Town and Country Planning Act 1990.
- 2 Unless otherwise approved in writing by the Local Planning Authority demolition and construction works shall be carried out in accordance with the Environmental Management Plan approved under application reference 18/00186/MDC dated 29 March 2018.  
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.
- 3 Unless otherwise approved in writing by the Local Planning Authority demolition and construction works shall be carried out in accordance with the Demolition & Construction Logistics Plan approved under application reference 18/00324/MDC dated 22 May 2018.  
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.
- 4 The stability of the structure to remain must, throughout the period of demolition and reconstruction, be assured before any works of demolition begin, taking into account any rapid release of stress,

weather protection, controlled shoring, strutting, stitching, reinforcement, ties or grouting as may occur or be necessary.  
REASON: To ensure the stability of the structure to be retained in accordance with the following policy of the Local Plan: DM12.2.

- 5 The building(s) shall not be demolished (unless otherwise permitted by the Local Planning Authority in the circumstances identified in this condition) before a contract or series of contracts for the carrying out of substantial works of redevelopment have been made and planning permission has been granted for the redevelopment for which the contracts provide. Such contracts shall include the construction of all foundations, above ground framework and floor structures. Works of demolition may be permitted prior to the completion of the contract(s) if the Local Planning Authority is satisfied that the site is required for archaeological investigation and the developer has submitted evidence to show that development will proceed upon completion of the investigation.  
REASON: In the interest of visual amenity and to ensure that the site is not left vacant indefinitely in accordance with the following policy of the Local Plan: DM12.2.
- 6 Unless otherwise agreed in writing by the Local Planning Authority, the development shall be air quality neutral, in accordance with the air quality neutral assessment approved under application reference 18/00437/MDC dated 14 June 2018.  
REASON: In order to positively address air quality in accordance with the following policy of the Local Plan: DM15.6.
- 7 Unless otherwise agreed in writing with the Local Planning Authority, archaeological evaluation shall be carried out in accordance with the Written Scheme of Investigation for an Archaeological Evaluation dated 12 July 2013.  
REASON: To ensure that an opportunity is provided for the archaeology of the site to be considered and recorded in accordance with the following policy of the Local Plan: DM12.4.
- 8 No works except demolition to basement slab level shall take place until the developer has secured the implementation of a programme of archaeological work to be carried out in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. This shall include all on site work, including details of any temporary works which may have an impact on the archaeology of the site and all off site work such as the analysis, publication and archiving of the results. All works shall be carried out and completed as approved, unless otherwise agreed in writing by the Local Planning Authority.  
REASON: In order to allow an opportunity for investigations to be made in an area where remains of archaeological interest are understood to exist in accordance with the following policy of the Local Plan: DM12.4.

- 9 No works except demolition to basement slab level 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, such details to show the preservation of surviving archaeological remains which are to remain in situ.  
REASON: To ensure the preservation of archaeological remains following archaeological investigation in accordance with the following policy of the Local Plan: DM12.4.
- 10 Before any construction works are begun a site survey and survey of highway and other land at the perimeter of the site shall be carried out and details must be submitted to and approved in writing by the local planning authority indicating the proposed finished floor levels at basement and ground floor levels in relation to the existing Ordnance Datum levels of the adjoining streets and open spaces. The development shall be carried out in accordance with the approved 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. These details are required prior to commencement in order that a record is made of the conditions prior to changes caused by the development and that any changes to satisfy this condition are incorporated into the development before the design is too advanced to make changes.
- 11 No piling or construction of basements using penetrative methods shall take place until it has been demonstrated that there would be no unacceptable risk to below ground utilities infrastructure, details of which shall be approved in writing by the Local Planning Authority in liaison with Thames Water before such works commence and the development shall be carried out in accordance with the approved details.  
REASON: To ensure that below ground utilities infrastructure is protected in accordance with the following policy of the Local Plan: DM2.1.
- 12 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.
- 13 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 including the ground and upper level surfaces and courtyard elevations;
- (b) details of the proposed new facade(s) including typical details of the fenestration and entrances;
- (c) details of the different façade treatments and courtyard elevations;
- (d) typical details of stonework;
- (e) details of ground floor elevations including shopfronts;
- (f) details of the ground floor entrances;
- (g) details of windows, window louvres and external joinery;
- (h) details of dormer windows;
- (i) details of soffits, hand rails and balustrades;
- (j) details of all alterations to the existing retain facade;
- (k) details of junctions with adjoining premises;
- (l) details of the integration of window cleaning equipment and the garaging thereof, plant, flues, fire escapes and other excrescences at roof level;
- (m) details of plant and ductwork to serve the A3 / C1 use(s);
- (n) details of the rooftop plant enclosure;
- (o) details of all ground level surfaces including materials to be used;
- (p) details of external surfaces within the site boundary including hard and soft landscaping;
- (q) details of service entrance doors to Creed Lane;
- (r) details of rainwater drainage and measures for the prevention of rainwater run-off onto the public highway;
- (s) details of the removal, storage, restoration and relocation of the cartouche to Creed Lane;
- (t) details of the internal access ramps at ground floor level including ramp lengths, gradients and level changes.

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: DM3.2, DM10.1, DM10.5, DM10.8, DM12.2.

- 14 Unless otherwise approved in writing by the Local Planning Authority, before any works thereby affected are begun, 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, shall be submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out in accordance with the approved details.  
REASON: To ensure provision for street lighting is discreetly integrated into the design of the building in accordance with the following policy of the City of London Local Plan: DM10.1.
- 15 The development shall be designed to allow for the retro-fit of heat exchanger rooms to connect into a district heating network if this becomes available during the lifetime of the development.



REASON: To minimise carbon emissions by enabling the building to be connected to a district heating and cooling network if one becomes available during the life of the building in accordance with the following policies of the Local Plan: DM15.1, DM15.2, DM15.3, DM15.3, DM15.4.

- 16 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.
- 17 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: DM18.2, DM19.2.
- 18 Before any construction works hereby permitted are begun details of rainwater 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 policy of the Local Plan: CS18. These details are required prior to 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.
- 19 Prior to any plant being commissioned and installed in or on the building an Air Quality Report shall be submitted to and approved in writing by the Local Planning Authority. The report shall detail how the finished development will minimise emissions and exposure to air pollution during its operational phase and will comply with the City of London Air Quality Supplementary Planning Document and any submitted and approved Air Quality Assessment. The measures detailed in the report shall thereafter be maintained in accordance with the approved report(s) for the life of the installation on the building.  
REASON: In order to ensure the proposed development does not have a detrimental impact on air quality, reduces exposure to poor air quality and in accordance with the following policies: Local Plan policy DM15.6 and London Plan policy 7.14B.

- 20 Details of the position, size and arrangement of the photovoltaic panel installation 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 in accordance with the following policies of the Local Plan: CS10, CS15, DM10.1, DM15.3.
- 21 Unless otherwise approved by the LPA there must be no building, roof structures or plant above the top storey, including any building, structures or plant 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 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.
- 22 No part of the roof areas or courtyard shown 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.
- 23 No live or recorded music that can be heard outside the premises shall be played.  
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.
- 24 Before any works thereby affected are begun, a scheme in the form of an acoustic report compiled by a qualified specialist shall be submitted to and approved in writing by the Local Planning Authority specifying the materials and constructional methods to be used so that the noise level in the adjacent residential bedrooms does not exceed NR30 attributable to the gym. The development pursuant to this permission shall be carried out in accordance with the approved scheme and so maintained thereafter.  
REASON: To protect the amenities of residential occupiers in the building in accordance with the following policies of the Local Plan: DM21.3, DM21.5.

- 25 No servicing of the premises shall be carried out between the hours of:  
(i) 23:00 on one day and 07:00 on the following day from Monday to Saturday and between 23:00 on Saturday and 07:00 on the following Monday and on Bank Holidays; or  
(ii) 07:00hrs and 09:00hrs, 12:00hrs and 1400hrs, 16:00hrs and 19:00hrs, Mondays to Fridays.  
Servicing includes the loading and unloading of goods from vehicles and putting rubbish outside the building.  
REASON: To manage traffic, avoid congestion and manage the safe and convenient movement of pedestrians and cyclists in the area and to reduce air and noise pollution, in accordance with the following policies of the Local Plan: DM15.7, DM15.7, DM16.1, and DM16.2.
- 26 Unless otherwise approved by the Local Planning Authority the doors and windows to any restaurant on the Ludgate Square frontages shall be kept closed. The doors may be used only in an 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.
- 27 Self-closing mechanisms must be fitted on the entrance doors to Creed Lane before the Class A3 and C1 use(s) commences and shall be retained for the life of the premises. The doors must not be left open except in an 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.
- 28 The two sets of 'means of escape doors' to Ludgate Square shown the drawings hereby approved must not be opened or left open except in an 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.
- 29 A further set of doors must be fitted between the hotel entrance doors at the corner of Ludgate Square and Creed Lane and this extra set of doors shall be retained for the life of the premises. These doors must not be left open except in an 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.
- 30 No doors, gates or windows at ground floor level shall open over the public highway.  
REASON: In the interests of public safety
- 31 (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.

- 32 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.
- 33 Before any works thereby affected are begun, a scheme in the form of an acoustic report compiled by a qualified specialist shall be submitted to and approved in writing by the Local Planning Authority specifying the materials and constructional methods to be used so that the noise level in the adjacent residential bedrooms does not exceed NR30 attributable to the UKPN Sub Station. The development pursuant to this permission shall be carried out in accordance with the approved scheme and so maintained thereafter.  
REASON: To protect the amenities of residential occupiers in the building in accordance with the following policies of the Local Plan: DM21.3, DM21.5.
- 34 Unless otherwise agreed in writing by the Local Planning Authority, the development shall be carried out in strict accordance with the pollution prevention procedure approved under application reference 18/00436/MDC dated 21 June 2018.  
REASON: To prevent pollution of the water environment in accordance with the following policy of the Local Plan: DM15.8. These details are required prior to commencement in order that any changes to satisfy this condition are incorporated into the development before the design is too advanced to make changes.
- 35 No cooking shall take place within any Class A3 or C1 use(s) 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. Flues must terminate at roof level or an

agreed high level location which will not give rise to nuisance to other occupiers of the building or adjacent buildings. 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.

- 36 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 24 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.

- 37 Changing facilities and showers shall be provided adjacent to the bicycle parking areas and maintained throughout the life of the building for the use of occupiers of the building in accordance with the approved plans.

REASON: To make travel by bicycle more convenient in order to encourage greater use of bicycles by commuters in accordance with the following policy of the Local Plan: DM16.4.

- 38 Provision shall be made for disabled people to obtain access to the building via the principal entrance 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.

- 39 At least 10% of the hotel rooms hereby permitted shall be constructed to be accessible for people with disabilities, details of which 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 and maintained for the life of the development.

REASON: To ensure that the development will be accessible for people with disabilities in accordance with the following policies of the London Plan and City of London Local Plan: Policy 4.5, DM10.8.

- 40 Prior to the occupation of the hotel an Accessibility Management Plan shall be submitted to and approved by the Local Planning Authority including details of accessible car parking provision for disabled visitors to the building. Such provision shall thereafter be operated in accordance with the approved Accessibility Management Plan (or any amended Accessibility Management Plan that may be approved by the Local Planning Authority) for the life of the building.

REASON: To ensure that adequate car parking provision is made for disabled users of the hotel in accordance with the following policy of the Local Plan: DM10.8.

- 41 The operation of the premises shall not take place until an Operational Management Plan has been submitted to and approved by the local planning authority detailing:
1. The duties of the staff employed at the premises to discourage, noise, disturbance and anti-social behaviour;
  2. A smoking control scheme relating to the supervision and/or control of any smoking patrons outside the premises;
  3. A dispersal scheme relating to the dispersal of patrons leaving the premises after 22:00;
  4. The circumstances and time periods, which trigger the need for a review of the operational management plan.

REASON: To ensure the good management of the venue to protect residential amenity and to ensure compliance with the following policies of the Local Plan: DM15.7 and DM21.3.

- 42 All windows to the courtyard area shown on the drawings hereby approved shall have obscured glazing and be fixed shut for the life of the development. Any doors to the courtyard area shown on the drawings hereby approved shall have obscured glazing and be kept closed for the life of the development except for maintenance and emergency egress 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.

- 43 There shall be no development within the courtyard area shown on the drawings hereby approved other than in accordance with the approved drawings or as approved under conditions of this planning permission.
- REASON: To ensure that the Local Planning Authority may be satisfied with the detail of the proposed development and to safeguard the amenity of the adjoining premises in accordance with the following policies of the Local Plan: DM10.1, DM10.7, DM21.3.

- 44 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: Location Plan, Site Plan, Drawing nos. A-100-002 Rev P1, A-100-003 Rev P2, A-100-004 Rev P5, A-100-005 Rev P1, A-100-006 Rev P1, A-100-007 Rev P1, A-100-008 Rev P1, A-100-009 Rev P1, A-100-010 Rev P2, A-100-011 Rev P2, A-110-001 Rev P6, A-110-002 Rev P3, A-110-003 Rev P3, A-110-004 Rev P2, A-120-001 Rev P3, A-120-002 Rev P3, A-120-003 Rev P), Written Scheme of Investigation for an Archaeological Evaluation, MOLA, 12 July 2013, Specification for Ground Investigation and Geotechnical Report (Michael Alexander Consulting), Desk & Site Investigation Report dated March 2017 (Michael Alexander

Consulting), Basement Impact Assessment (Version 2.0) dated March 2017 (Michael Alexander Consulting).

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 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](http://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.

- 2 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 Local 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.

- 3 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.
- 4 Developers are encouraged to install non-combustion renewable technology to work towards energy security and carbon reduction targets in preference to combustion based technology.

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.

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.

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.

- 5 Excavation within the vicinity of St. Paul's Cathedral requires separate approval from the Cathedral under the City of London (St. Paul's Cathedral Preservation) Act 1935. The area where St Paul's Depths approval is required is shown on the City's web site. Developers are advised to contact the Dean and Chapter of St Paul's Cathedral for an informal discussion: The Registrar, Chapter House, St Paul's Churchyard, London, EC4M 8AD (020 7246 8350) [registrar@stpaulscathedral.org.uk](mailto:registrar@stpaulscathedral.org.uk). Application can be made directly to the Dean and Chapter of St Paul's Cathedral or via the Development Division, Department of the Built Environment, City of London, EC2P 2EJ.



<b>Committee:</b>	<b>Date:</b>
Planning and Transportation	8 October 2018
<b>Subject:</b> Tenter House 45 Moorfields London EC2Y 9AE 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]	<b>Public</b>
<b>Ward:</b> Coleman Street	<b>For Decision</b>
<b>Registered No:</b> 17/01050/FULMAJ	<b>Registered on:</b> 30 October 2017
<b>Conservation Area:</b> No	<b>Listed Building:</b> No

## Summary

This site comprises a 1960s office building which fronts onto City Point Plaza with Moorfields running along its eastern boundary and New Union Street abutting its southern boundary.

The proposal involves redevelopment of the office building with two basements, ground rising to 18 storeys (87.9 AOD) and would include six roof terraces and four internal winter gardens for use by office occupiers. It is proposed to provide a total of 735 sq.m (GEA) of flexible retail floorspace (Class A1/A2/A3/A5) is proposed across two retail units at ground and first floor level which would provide active frontages onto New Union Street and City Point Plaza.

The proposals include the upgrade of New Union Street (a private service road) which has been identified as an east-west route from Moorfields to Barbican.

The proposal is in substantial compliance with the development plan policies that relate to it and in particular it supports the objective of promoting the City as the leading international financial and business centre.

The proposals are considered not to have a detrimental impact on the settings of listed buildings or Conservation Areas in the vicinity.

Concerns have been raised by Barbican residents, particularly the impact of roof terraces, the loss of daylight & sunlight and the noise and disturbance from the increased servicing activity. A table summarising the concerns is included in the report and the full representations are attached.

There would be reductions in sunlight and daylight to some residential premises. The assessments carried out and demonstrate 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.

Following concerns raised by residents, the servicing bay has been re-designed to include a door so that the operation of the loading bay would take place only when the door is closed. Conditions have been recommended to limit the number of vehicles and the delivery times to minimise disruption to nearby residential occupiers. Restrictions are proposed on the use of the office terraces at night.

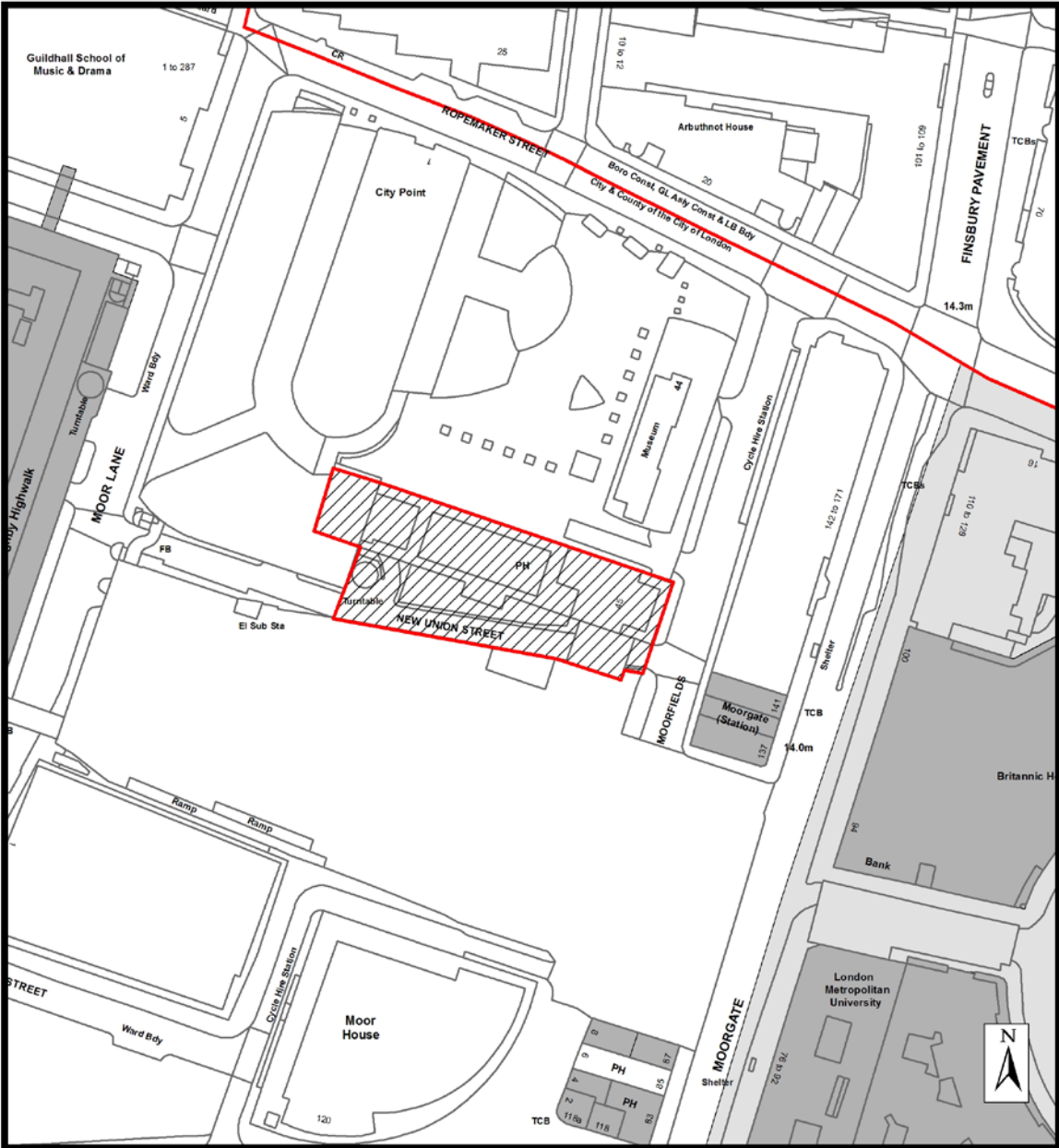
It is concluded that the proposal overall is acceptable subject to conditions and to a Section 106 agreement being entered into to cover the matters set out in the report.

### **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.

# Site Location Plan



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ADDRESS:

Tenter House, 45 Moorfields

CASE No.

17/01050/FULMAJ

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



DEPARTMENT OF THE BUILT ENVIRONMENT



View from City Point Plaza



View along New Union Street



View from Moorfields



View of North Elevation



## **Main report**

### **Site**

1. The site fronts City Point Plaza, with Moorfields running along its eastern boundary and New Union Street abutting its southern boundary. New Union Street is a private road which provides service access and is used as a pedestrian thoroughfare between Moor Lane and Moorfields.
2. The current building comprises some 15,465 sq m of commercial floorspace (Class B1a) arranged over basement, ground and 10 upper levels with a small area of plant on the roof. The existing building extends over the eastern end of New Union Street. The main entrance to Tenter House is from Moorfields. There is a public house situated at ground floor level (Class A4), the 'Rack and Tenter', which extends to approximately 335 sq m. The Site includes 51 car parking spaces in the basement, with no formal disabled or cycling provision. Vehicular access to this area is via a ramp which is located alongside the existing entrance to Tenter House with access from Moorfields. Servicing takes place from New Union Street.
3. The building was constructed in the 1960s, as part of a three-building development focused around City Point Plaza and connected below ground by multi-level basements which extend underneath the plaza.
4. The site does not fall within a conservation area, but the Finsbury Circus and the proposed Barbican and Golden Lane conservation areas are located by. Listed buildings within the vicinity that could potentially be affected by the proposed development include the Grade II\* Britannic House 1-6 Finsbury Circus, Grade II 137-141 Moorgate, Salisbury House 31 Finsbury Circus, Electra House 76-92 Moorgate, & the Barbican Estate.
5. 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.
6. To the north and south there are the following buildings:
  - City Point Tower - Ground and 34 upper floors; office and retail uses. Extensively refurbished in 1998-2001;
  - 21 Moorfields - Planning permission has recently been granted for a mixed-use development above and around the new Crossrail station entrance to provide office (Class B1), retail (Use Class A1/A3/A4) space, a replacement City Walkway, and a new urban square (17/01095/FULEIA) which are located at podium level.
  - Moor House - Ground and 17 upper floors; office and retail uses. Completed in 2005;
  - 44 Moorfields - 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**

7. In December 1997 outline planning permission was granted for Demolition of the existing building and construction of new building for office and retail uses within Classes B1 and A1, A2, A3 with car parking and servicing (3350/1AJ). This permission was not implemented.
8. In February 2002 planning permission was granted for the renewal of outline planning permission for redevelopment to provide office space and retail uses with car parking and services (3350/1AM). This permission was not implemented.
9. In October 2008 planning permission was granted for the renewal of outline planning permission (3350/1AM) for redevelopment to provide office space and retail uses with car parking and servicing (22,400 sq.m 13 storeys). This permission was not implemented.
10. In March 2012 planning permission was granted for the replacement of an extant outline planning permission (ref 06/00687/FULL dated 24 October 2008) in order to extend the time limit for implementation of the redevelopment to provide office space and retail uses with car parking and servicing. This permission was not implemented.

### **Proposals**

11. The proposal involves the redevelopment of the existing building to provide an office development with retail uses.
12. The existing building and structures would be demolished to the existing basement slab level. The proposed building would rise to 18 floors above ground level which would provide 28,071 sq.m (GEA) of office floorspace (Class B1) and 735 sq.m (GEA) of retail floorspace (Class A1/A2/A3/A5) at first and ground floor level.
13. Works to the two basement levels are proposed to provide servicing areas, waste storage, plant facilities and cycle parking.
14. It is proposed to redesign and enhance the public realm along New Union Street to provide an improved pedestrian link from Moorfields to the Barbican.
15. The building would continue to be serviced from New Union Street (with servicing restrictions during peak times). The existing car parking spaces within the basement would be removed and no motorcycle parking is proposed on the site. Pedal cycle parking and changing facilities would be provided at basement level.

16. Six external roof terraces (at levels 11, 13 and 15) and four internal winter gardens are proposed which would provide accessible outdoor space and internal breakout spaces for occupiers of the building.

### **Consultations**

17. A Statement of Community Involvement has been submitted with the application outlining the developer's engagement with the statutory authorities, interest groups and with residents, building owners and occupiers in the surrounding area. A public exhibition was held at Tenter House on 19 and 20 July 2017, which was attended by approximately 20 people. A further residents liaison meeting was organised by the applicants which took place on 5 December 2017.
18. The scheme has been amended since first received. The original proposals included three options for the ground floor, basement and associated public realm, the provision of car parking at basement level and a smaller servicing bay. The revised scheme redraws the boundary so that the scheme would be car-free and provides a larger servicing bay so that a reduced number of vehicles would need to reverse into the servicing bay, limiting the noise from reversing beepers to address concerns raised by residents.
19. The revised scheme has been consulted upon and the consultation responses are summarised below. Copies of all letters and e-mails making representations are attached in your separate bundle.
20. The Greater London Authority has no comment on the application.
21. Natural England has no comments to make on this application.
22. The City of Westminster did not wish to comment on the application.
23. Historic England has no comments to make on this application.
24. Transport for London have commented that they have no objection in principle to the proposed development but have said there are a number of potential constraints on the redevelopment of a site situated close to railway infrastructure. They have recommended conditions are added requiring further details to ensure that the development does not impact on the existing London Underground transport infrastructure.
25. The Department of Open Spaces welcomes the high volume of greening through façade planting at various levels of the building, roof gardens and internal planted areas.
26. The Barbican Residents Association objected to elements of the original application on the grounds of residential amenity, density and highway safety.
27. Since the application was revised and reconsulted on, the Barbican Residents Association have sent an email (dated 07/08/2018) to confirm the original letter (dated 19 December 2017) is no longer relevant given the changes made to the servicing area.
28. A total of 36 representations have been received from nearby residents and occupiers objecting to the application. The representations are



summarised in the table below. Copies of the full representations are appended to this report.

Issue	Objection	Response
<b>Noise</b>	<ul style="list-style-type: none"> <li>Reversing 'bleepers' of lorries going into loading bays will be intrusive.</li> <li>Increase in traffic means more noise pollution.</li> <li>Moor Lane has unique acoustics adding to the increase in noise pollution.</li> </ul>	See paragraphs 70-83 (Transport and Servicing) and 156-163 (Noise and Vibration)
	<ul style="list-style-type: none"> <li>Ventilation for new building will increase noise pollution.</li> </ul>	Noise from plant controlled by condition.
<b>Residential Amenity</b>	<ul style="list-style-type: none"> <li>Overshadowing on some of Willoughby House in the morning.</li> <li>Loss of natural light.</li> <li>Light pollution at night.</li> <li>Motion sensor lights should be installed to reduce light pollution.</li> <li>Loss of privacy.</li> </ul>	See paragraphs 91-126 (Daylight and Sunlight)
	<ul style="list-style-type: none"> <li>Will affect access to Barbican Estate car park.</li> </ul>	Access to the Barbican Estate car park remain unchanged
	<ul style="list-style-type: none"> <li>Due to listed status of Barbican estate, all windows are single glazed, exacerbating noise issue.</li> </ul>	A number of residents have installed appropriate double-glazing modules or secondary glazing (LBC required)

<b>Traffic or Highways</b>	<ul style="list-style-type: none"> <li>• More traffic in a heavily residential area.</li> <li>• Servicing hours of use compromises residential amenity.</li> <li>• Moor Lane already congested due to lorries for City Point.</li> <li>• Moor Lane is narrow &amp; not safe for queuing vehicles.</li> <li>• Moor Lane is a cycle highway and has an approved enhancement scheme. Proposal for service vehicles undermines and contradicts this.</li> <li>• Decrease in Pedestrian safety.</li> </ul>	See paragraphs 70-83 (Transport and Servicing)
	<ul style="list-style-type: none"> <li>• Increase in traffic means more pollution.</li> </ul>	See paragraphs 144-148 (Air Quality)
<b>Design</b>	<ul style="list-style-type: none"> <li>• The building is too tall and dense near a residential building.</li> <li>• Impact on the historic environment.</li> <li>• Design of new building architecturally inferior to what it is replacing.</li> </ul>	See paragraphs 37-56 (Design)
	<ul style="list-style-type: none"> <li>• Overshadowing of City Point Plaza in the afternoon.</li> </ul>	See paragraphs 91-126 (Daylight and Sunlight)
	<ul style="list-style-type: none"> <li>• Pedestrian enhancement of New Union Street at odds with redeveloped Tenter House - will create a tunnel with little or no views.</li> </ul>	See paragraphs 87-90 (Public Realm)
	<ul style="list-style-type: none"> <li>• Loss of public space on ground floor.</li> </ul>	There would be no loss of public space as result of the proposed development.
<b>Other</b>	<ul style="list-style-type: none"> <li>• Lack of communication from developers to Barbican residents.</li> </ul>	See paragraph 17-18

	<ul style="list-style-type: none"> <li>Unfair that Tenter House and 21 Moorfields developments have not been considered as a whole project with regards to light survey, highway safety etc</li> </ul>	The assessments submitted in support of the application take into account the cumulative impact of 21 Moorfields.
	<ul style="list-style-type: none"> <li>Application fails to adequately provide protection to neighbours during construction phase.</li> </ul>	Construction logistics and management would be secured via conditions.

### **Policy Context**

29. 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.
30. Government Guidance is contained in the National Planning Policy Framework (NPPF).

### **Considerations**

31. 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).

32. 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”.
33. Paragraph 10 states that “at the heart of the NPPF is a presumption in favour of sustainable development which should be seen running through both plan-making and decision-taking .... For decision-taking this means: approving development proposals that accord with the development plan without delay...”
34. It states at paragraph 8 that sustainable development has an economic, social and environmental role.
35. Paragraph 192 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.”
36. 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.

## **Design**

### **Bulk, mass and Height**

37. The design of the new building responds to the changed architectural context of the building’s immediate surroundings since the construction of the existing building. The City Point buildings have been partially redeveloped to the west and the former Britannic Tower remodelled and increased in height to become City Point Tower, the 21 Moorfields

development of up to 16 stories above the Crossrail station is currently under construction. On the north side of the piazza (across the City boundary in LB. Islington) 25 Ropemaker Street is a twenty-storey building and Islington have identified this as an area suitable for further tall buildings. The cumulative impact of these changes has been to raise the general scale of development in this locality.

38. The massing of the proposed building closely corresponds to the height of 21 Moorfields to the south in terms of its overall height, set-backs along Moorfields, and the alignment of the southern flank wall. A rectilinear volumetric form derived from the outline of the site boundary has been extruded upwards and stepped in height to form six legible architectural volumes that would rise between eleven and fifteen stories above ground level. The heights of the stepped elements respond to site constraints that include the avoidance of intrusion into longer distance and local views and to achieve acceptable daylight and sunlight conditions for the nearby Willoughby House on the Barbican Estate. The profile of the top of the building has been designed to form a coherent architectural composition that rises to 87.9m AOD at its highest point.

#### Architectural Appearance

39. The main office entrance faces Moorfields. The glazing would be set back to create a double height loggia marking the entrance and to provide additional circulation space behind the comparatively narrow Moorfields pavement. A pair of revolving doors flanked by pass doors would lead into a spacious reception area. A large retail unit would occupy the remainder of the northern ground floor frontage with accommodation at both ground and first floor. The retail unit would be differentiated from the office reception by a change in the glazing pattern which would be brought forwards at this point. The unit would adjoin an existing A1 unit on the south side of the piazza. The western end of the building is partially cantilevered over this existing unit from the second floor upwards. An additional small unit would be sited unit on the southern elevation at the entrance to New Union Street.
40. At upper levels the design of the principal north and east facades reinforces the massing arrangement of the six stepped vertical volumes by separating each by means of a clear glazed recess. An arrangement of recessed double height atriums would provide further articulation and interest to each of the six façade elements. A primary arrangement of silver coloured rectangular columns would be located behind the glazing line except where the glazing to the atriums sets back. A secondary treatment of thinner projecting silver metal fins located in front of the glazing would continue from ground to roof level. Each of the six vertical elements would be set back at its upper level with the secondary metal fins projecting slightly higher than the parapet level to form a crown.

41. The building would make extensive use of greenery and planting to enhance its appearance and identity in line with the City's aim of achieving a significant increase in the amount of greening on development schemes to address bio-diversity, rainfall attenuation, air pollution, and visual amenity issues. Vertical external planting would be included at the double height atriums and at the upper levels of the façade. Six roof terraces would be located at two levels and would incorporate varied areas of extensive planting, lawn, shrubbery and small trees.
42. The southern side of the development would be largely built up to the 21 Moorfields building line, the two developments abutting each other either side of a central lightwell. This southern portion of the building would bridge over New Union Street for much of its length.
43. New Union Street is currently used as a servicing road for the City Point buildings dipping down to basement level mid-way along its length to allow access to the Tenter House service entrance at basement level. The proposed development provides an opportunity to achieve a radical change in the character of this street.

#### Impact on City Point Plaza

44. The proposed development would have significant impact on the appearance of the piazza. The southern and eastern sides of the space are defined by buildings of the 1960s with the western City Point buildings being of a more contemporary architectural style and of a larger scale. There would be a significant increase in height to the south. Although the increase in height would result in some impact in terms of daylight and sunlight, these have been assessed as acceptable. The appearance of the proposed building would coordinate well with the City Point buildings, its more varied architectural form and the vertical greenery and four new ground level trees would contribute to an acceptable revised appearance of the square.

#### Impact on the significance and setting of adjoining Listed Buildings

45. The scheme has the potential to have an impact on the significance and setting of the following listed buildings in the vicinity.
46. 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 and from its western arm close to Moorgate. In most views this would be mitigated by significant levels of tree cover (even when not in leaf) or the foreground of buildings in Moorgate itself. The westward setting of these buildings is dominated by

Moor House and the tower of City Point and the proposed scheme would not be detrimental to the setting of these buildings.

47. 37-41 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 (including Tenter House and City Point). The proposed building would change the setting of this listed building by significantly increasing the height and mass of visible development in the background views. Although the setting would be altered by the proposed development it would not be detrimental to the listed building's significance.
48. Barbican (Grade II). Tenter House is located close to the eastern edge of the Barbican and the redevelopment would be visible from within the estate's highwalks and flats in the vicinity of Willoughby House and to a lesser degree Speed House, Andrews House and Gilbert House. The upper levels of the proposed building would also be visible from Gilbert Bridge, that traverses the Barbican lake. The proposed development would also be seen in conjunction with these buildings from some points looking west. The Tenter House redevelopment would integrate itself into the view of the upper levels of the existing grouping of modern commercial buildings on the eastern side of Moor Lane and would not have an adverse effect on the setting or significance of the Barbican.

#### Impact on the Significance of the Finsbury Circus Conservation Area

49. 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. 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.
50. 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.
51. 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 Proposed Barbican and Golden Lane Conservation Area

52. The proposal to establish a Barbican and Golden Lane Conservation Area has previously been reported to Committee and responses to the public consultation document that proposes its designation are before you. The boundary of the conservation area essentially coincides with the boundary of the listed building designation of the Estate. The impact

of the proposals is described above, and it is considered that the proposals would not have a negative impact on the significance of the conservation area.

#### London Views Management Framework

53. 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).
54. The proposed building is only marginally visible to the left of the south west tower of the Cathedral when trees are not in foliage. The majority of the building would be concealed behind the Royal Festival Hall and other foreground buildings in this view. The small section of the proposal that would be visible would merge with the general pattern of background development behind the Cathedral and is not considered to have any impact on the view. The recently approved 21 Moorfields development, when complete would obscure any view of the Tenter House redevelopment proposals.
55. 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. No other LVMF views would be affected.

#### Design Conclusion

56. The design and increased height of the proposed building is considered to be acceptable and the proposed facing materials appropriate. The design incorporates a generous amount of greening. The impact on City Point Plaza in terms of appearance and the sunlight/daylight factors is acceptable and the improvement and upgrading of New Union Street is welcomed. The development would not have adverse impacts either on local or longer distance views or on the settings of nearby listed buildings and conservation areas.

#### Economic Development

57. 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.
58. 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.
59. 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.



60. 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.
61. 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.
62. 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.
63. The scheme 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. The proposed development would result in an additional 11,978 sq.m (GIA) of Class B1 office floorspace 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 additional office floorspace sought in Local Plan policy CS1.
64. 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 up to 1814 full time employees.
65. 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. This site is also ideally located to benefit from the proximity of the Crossrail/Elizabeth Line now nearing completion.

#### Retail Provision

66. The site of this development is not within a designated Principal Shopping Centre (PSC) however, the Moorgate PSC is located immediately to the east of this site.

67. Local Plan policy DM 20.1 encourages new retail units to be located within these areas.
68. The retail provision within the existing building comprises a public house known as the Rack and Tenter (Class A4) (335sq.m). The proposed developed increases the amount of retail floorspace to 735 sq.m (GEA) providing two units at ground and first floor level of flexible retail floorspace (Class A1/A2/A3/A5). One unit would have a frontage onto City Point Plaza at the western end of the building at ground and first floor level. The second retail unit would be located on the corner of New Union Street and Moorfields at ground floor level, providing an active frontage along the pedestrian route which would enliven and activate the space.
69. The creation of new retail units in this development would be of benefit to the area and the workers located here, providing additional retail frontage on Moorfields, New Union Street and City Point Plaza complementing the nearby Moorgate PSC. When Crossrail opens many more visitors will be using Moorgate Station and the public realm improvement works to the south and east of the site on Moorfields will create a more pedestrian friendly environment in this area. The proposal is in accordance with Local Plan policy DM 20.3, which allows retail outside of the PSC's where it would help form an active frontage, provide amenity to City workers and enhance vibrancy.

## **Transport and Servicing**

### **Trip Generation**

70. 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".
71. The submitted transport assessment predicts that the proposed development would generate a total of 839 two-way person trips during the AM peak and 692 trips during the PM peak; this represents an increase of 370 trips during the AM and 308 trips for the PM when compared with the existing buildings on the site.
72. The majority of trips are expected to be made by public transport (82%), walking (7%) and cycling (8%).

### **Car Parking**

73. The existing basement provides 51 on-site car parking spaces which are accessed from a ramp via Moorfields. All of the car parking spaces which fall within the application red line boundary will be removed. Thirteen car parking spaces would be retained at basement level, however these would be outside of the planning application red line boundary and not part of the development.
74. There are no accessible parking bays proposed within the development. There are existing accessible parking bays on Moorfields which are available to Blue and Red Badge holders.

### Cycle Parking

75. The proposal includes a total of 317 long stay and 34 short stay cycle parking spaces within the building accessed via a dedicated entrance on New Union Street. This level of provision is fully compliant with the London Plan 2016 and would provide approximately 84% of the long-stay cycle parking spaces identified as a requirement in the draft London Plan.
76. 34 short stay cycle parking spaces would be provided, 15 of which would be located within the basement and 19 would be provided on the public realm (on private land) at ground floor level.
77. A total of 342 lockers and 33 showers would be provided in line with the City's and London Plan policies.

### Servicing

78. Servicing of the proposed development would continue to be undertaken off-street via New Union Street (a permissive path), as it is in the existing situation. The service yard has been designed to provide a total of three loading bays which would be able to accommodate vehicles up to 10m long.
79. Refuse bins for general waste and recyclables would be stored inside a dedicated storage area to the rear of the service yard. Access for refuse collection would be made available during the operational hours of the loading bay.
80. A number of objections have been received by nearby residential occupiers raising concerns about the amount of noise and disturbance from the reversing 'bleepers' of lorries into the loading bay and the operations of loading and unloading as well as queuing of vehicles on Moor Lane.
81. It is anticipated that the proposed development would result in approximately 67 servicing vehicles each day, an increase of 25 vehicles over the existing situation. The majority of deliveries would be carried out using small vehicles (less than 7.5t including transit vans, car, motorcycles and bicycles) and would be able to enter and exit the loading bay in forward gear. A small number of vehicles, approximately 6 per day (9%), would be required by Heavy Goods Vehicles (HGVs), which would need to reverse into the loading bay. Whilst it would be desirable to prohibit the reversing of any vehicles into the loading bay, it is not considered that 6 vehicles per day reversing into the loading bay would unduly impact on highway safety or cause noise disturbance from the reverse beepers of the HGVs.
82. In order to mitigate any potential impacts on the nearby residential occupiers from the operation of the loading bay and the queuing of vehicles on Moor Lane, the following measures are proposed (which would be secured via condition and S106 obligations):
  - A door to be fitted at the entrance of the loading bay and any loading, unloading and compacting activity would take place only

when the loading bay doors are closed. (A condition is recommended requiring further details of the noise attenuation properties and design details of the loading bay door.)

- Hours of operation would be limited to between 7am and 9pm from Monday to Friday and 9am-6pm on Saturdays; with prohibitions between 7am-9am and 5pm-7pm Monday to Friday
  - Limiting the number of deliveries to 72 vehicles per day.
  - 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;
  - A Banksman would be positioned at the loading bay access during the hours of operation controlling access to and egress from the loading bay.
83. 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

#### Security

84. Retractable bollards are proposed at the eastern end of New Union Street, which would control vehicle access to help withstand an attack from a hostile vehicle as well as improve pedestrian permeability. Details of HVM measures incorporated within the building would be secured by condition.

#### Stopping up/Dedication of land as public highway

85. There is no intended permanent stopping up.

#### Section 278 Agreement

86. Section 278 works are considered necessary to mitigate the impacts of the increase in the potential number of cyclist and pedestrian trips generated to and from the site. Section 278 works include but are not limited to; highway improvements to the section of Moorfields starting immediately east of the proposed development up to Ropemaker Street.

#### Public Realm

87. Local Plan Policy DM10.4 encourages enhancing connections between spaces and the provision of pleasant walking routes. The applicants undertook a pedestrian survey to determine the existing pedestrian demand along New Union Street. The results of this survey demonstrated that New Union Street is used regularly as a cut through by pedestrians, with flows expected to increase as a result of development in the area from 21 Moorfields and the new Crossrail entrance at Moorgate. The Barbican and Golden Lane Area Strategy encourages the use of New Union Street as a public street and seeks to improve its quality as a key pedestrian route which would provide a route to the Barbican and the Culture Mile attractions.

88. It is proposed to enhance the entire stretch of New Union Street to make the route more pleasant and safer to use for pedestrians. A condition is recommended requiring details of the landscaping strategy for New Union Street.
89. It is proposed to re-pave the area directly outside the north elevation of the proposed building in concrete to match the materials in the City Point Plaza to provide more coherence with the Plaza.
90. There are current proposals by the City of London to carry out public realm improvements in the area which includes the Moorgate ticket hall for Crossrail and the resurfacing of the area in high quality materials and closure to general traffic.

## **Residential Amenity**

### **Daylight and Sunlight**

#### **Policy Background**

91. 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.
92. 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.
93. 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.
94. 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.
95. 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".
96. 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.
97. 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

98. The submitted Daylight and Sunlight report submitted in support of the application has analysed the loss of light to Willoughby House and Andrewes House as these are the residential properties that are likely to be affected by the new development. These have been assessed in terms of both VSC and NSL and APSH.
99. The daylight, sunlight and overshadowing assessment submitted by the applicant has been independently assessed by BRE to review the scope, methodology and conclusions of the report.

#### Willoughby House

100. Willoughby House is located approximately 70m to the west of the proposed development and contains residential accommodation across seven floors. The majority of the windows facing the Site serve bedrooms save for the top floor of the building which are mainly living rooms.
101. In terms of the VSC 201 out 295 windows facing the site would meet the BRE criteria for VSC.
102. There are 94 windows, serving 88 rooms, which would experience losses that exceed the BRE criteria for VSC. All the windows which are affected have low existing levels of VSC, ranging between 2%-8% (which is materially below the 27% target suggested by the BRE). The absolute reduction in VSC ranges between 0.81%-1.73% which is considered to be relatively modest.
103. Of the 88 rooms which are affected, 82 of the windows serve bedrooms and six living rooms. The living rooms are served by two other windows which would remain unaffected by the proposed development and the BRE guidelines state that daylight into bedrooms is not afforded the same protection as principal living areas.
104. With regards to No Sky Line (NSL), 197 out of the 208 rooms analysed, would meet the BRE criteria. With regards to the 11 rooms that would exceed the BRE criteria are understood to be bedrooms and the BRE guidelines state are bedrooms are less important the main living areas.
105. 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."

106. In accordance with the recommendations of the BRE Guidance, calculations have been undertaken which discounts the effects of the overhanging balconies for all the windows within Willoughby House. The results show that all the windows fully comply with the BRE criteria for VSC. The windows would experience no more than an 8% reduction, which illustrates that it is the presence of the balconies rather than the mass of the proposed development that is the main factor for the loss of light.

#### Andrewes House

107. Andrewes House is located to the south west of the proposed development and contains residential units. 42 windows within this property have been analysed and the VSC results show that all the windows would meet the BRE Criteria and the effect on this building is considered to be negligible.

#### Sunlight

##### Willoughby House

108. With regards to sunlight, 208 rooms within the east facing elevation have been assessed. 201 out of the 208 rooms assessed would meet the BRE criteria for Annual Probable Sunlight Hours (APSH).
109. The seven rooms which do not meet the BRE criteria are understood to be bedrooms. These bedrooms have low existing levels of APSH, ranging from between 9%-13% (which is noticeably below the 25% criteria) and the BRE guidelines state that bedrooms naturally have a lower requirement for sunlight by comparison to living rooms.
110. In accordance with the recommendations of the BRE Guidance, calculations have been undertaken which discounts the effects of the overhanging balconies. The results show that all the rooms assessed would retain sunlight levels which are in excess of the BRE Criteria. It can therefore be concluded that the architectural features (i.e. overhanging balconies) of Willoughby House are inhibiting compliance with the BRE guidelines and not the mass of the proposed development.

#### Andrewes House

111. In terms of sunlight, 42 windows of this property have been analysed. All the rooms analysed would meet the BRE criteria for sunlight and the effect on this building is considered to be negligible.

##### Sunlight to City Point Plaza (Open Space)

112. The applicants have undertaken a detailed sun on the ground assessment to consider the extent of any overshadowing to City Point Plaza.
113. The BRE guidelines recommend that at least half an amenity area should receive 2 hours of sunlight on March 21.
114. The City Point Plaza is currently a poorly sunlit open space, which the existing Tenter House blocking midday sunlight, Moorfields House blocking out any morning sun and City Point Plaza obstructing the



afternoon sun. The submitted daylight and sunlight report suggests that only 9% of City Point Plaza (northern end of City Point Plaza) currently receives two hours of sun on March 21, which is less than half of the open space, during lunchtime hours.

115. With the proposed development, nearly all of the sunlit area (north of the Plaza) would be lost. The shadow cast by the proposed development would be longer and no part of the Plaza would receive 2 hours sunlight on March 21.
116. The daylight and sunlight report has assessed the amount of sunlight received on June 21. In the existing situation the Plaza is sunlight during the period of 1200-1500 (BST) and nearly 70% of the Plaza receives two hours of sunlight on June 21.
117. As a result of the proposed development, 55% of the Plaza would continue to receive two hours of sunlight, with a large area at the northern end of the Plaza which would receive in excess of 4 hours of sunlight. The effect of the proposed development on City Point Plaza is considered to be moderate adverse.
118. The applicants have explored opportunities to amend the design of the building to reduce the loss of sunlight to the Plaza. The report states that the opportunities are constrained as the site can only accommodate a building which is positioned on an east-west axis, which is also located immediately to the south of City Point Plaza.
119. In October 2008 planning permission was granted for a 13-storey office block but this permission was not implemented. If it had been implemented, only 1.4% of the Plaza would be sunlight for 2 hours on March 21. It can be argued there is no appreciable difference between the proposed development and that which was granted.
120. It is acknowledged that there would be a noticeable loss of sunlight provision to City Point Plaza, however the space itself is not very well sunlit in the existing situation. On March 21 only a small area of the at the north of the plaza receives a reasonable amount of sunlight. However, in summer months, when the Plaza is likely to be used more widely, it would continue to receive more than two hours of sunlight.

#### Daylight and Sunlight Conclusions

121. 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.
122. 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.
123. 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.

124. 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.
125. The impact on sunlight in City Point Plaza has been assessed as moderate adverse. There would be a noticeable loss of sunlight provision, but the space itself is not well sunlit in the existing situation. On March 21, only the seating at the north of the plaza receives a reasonable amount of sunlight; and this would be lost as a result of the proposed development. On June 21 at least 55% of the plaza would continue to receive some sunlight.
126. By virtue of the limited impact of the proposed development on the daylight and sunlight received by the neighbouring residential occupiers and the amount of sunlight received by the City Point Plaza, 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.

### **Wind Micro-Climate**

127. The likely effect of the development on wind microclimate in the immediately surrounding area has been assessed using two methodologies and the results considered against the policy requirements of policies 7.6 and 7.7 of the London Plan and DM10.1 of the Local Plan. The assessment has been undertaken using a boundary layer wind tunnel and computer-based technologies to simulate the wind microclimate conditions and the likely effects on sensitive receptors have been assessed for suitability using the widely accepted Lawson Comfort Criteria.
128. For a mixed-use urban site such as the proposed development and surrounding area, the desired wind microclimate would typically have walking during the windiest season on pedestrian thoroughfares, standing conditions at main entrances, sitting conditions at outdoor seating and amenity areas during the summer season.
129. The assessment, using wind tunnel tests, provides details of the average and gust wind conditions around the existing site and the proposed development and assesses the cumulative impact with other proposed developments including 21 Moorfields and 20 Ropemaker Street. Assessments are given for both the summer season and the windiest season. The measurements covered ground and terrace level locations along the building facades and at corners, thoroughfares within open amenity spaces and on pedestrian routes within and around the site.

130. The methodology adopted to carry out the wind assessment combined the use of Computational Fluid Dynamics (CFD) and physical model-based wind testing using a boundary layer wind tunnel testing. Both studies were carried out independently from one another. The combination of the two methods of assessment provides a comprehensive understanding of wind effects around the site.
131. The design of the development has been amended to incorporate a number of wind mitigation features in order to address potential areas of concern around the site. The presence of these measures is included in the final wind assessment results.

#### Existing Baseline Scenario

132. The baseline assessment scenario has wind conditions suitable from their intended uses during the windiest season within the open spaces and pedestrian routes around the site.

#### Proposed Development with Future Consented Buildings (Cumulative scenario)

133. Wind conditions in the cumulative scenario indicate that the future consented developments would have a little to no effect on the conditions in the majority of locations assessed in and around the development. There are some receptors at the terrace levels and within City Point Plaza which would experience wind conditions which would be one category windier than their intended uses. As a result, wind mitigation measures are proposed to make the conditions suitable for their intended uses. The mitigation measures are discussed below.

#### Ground Level – City Point Plaza

134. Wind conditions in the City Point Plaza area to the north of the proposed development, would experience conditions one category windier than the intended use of 'walking' during the windiest season. In order to maintain the pedestrian 'standing' comfort criteria mitigation measures are proposed. It is recommended that four 8m high trees with interlocking canopies are planted in conjunction with 1.5m high densely foliating evergreen shrubs in the outside the north elevation of the proposed development.

#### Level 11, 13 and 15 Terraces

135. Wind conditions on the proposed level 11, 13 and 15 terraces would experience conditions one category windier than the intended use for an outdoor terrace and would experience conditions suitable for 'standing' rather than 'sitting' as a result of south westerly and southerly winds funnelling between the proposed development and the adjacent City Point Tower. In order to maintain wind conditions suitable for 'siting', it is recommended landscaping is implemented in line with the details provided in the 'Tenter House Pedestrian Micro-Climate Study' prepared by Windtech which include;
- 4-5m high densely foliating evergreen trees with interlocking canopies

- 1.5m high densely foliating evergreen shrubs with planter boxes
- 1.5m high impermeable parapets

### Conclusion

136. Off all the configurations tested the changes in the wind conditions would not be significantly worsened and in most cases would remain suitable for their intended uses. Where there are minor impacts caused by the Proposed Development, mitigation measures such as localised landscaping are recommended to be implemented to improve wind conditions and these would be secured via a condition.

### **Sustainability and Energy**

137. The applicants have submitted a Sustainability Statement, which includes a BREEAM pre-assessment and an Energy Assessment.

### Energy

138. The Energy Strategy provides evidence that the proposed development has been designed to achieve a 35.31% improvement over the 2013 Building Regulations requirements which would be in line with London Plan Policy 5.2.
139. This would be achieved through energy efficiency measures such as a connection to the low carbon Citigen CHP network for space heating and hot water and the installation of photovoltaic panels to contribute to the electricity demand for the site. A range of other renewable energy technologies have been considered and but were considered to be unsuitable due to site specific constraints. A s106 obligation is recommended to provide a post construction energy strategy confirming a connection to the Citigen network and installation of photovoltaic panels to demonstrate the London Plan Carbon offsetting targets are met. If targets are not met, then a carbon offsetting contribution would be required.

### Sustainability

140. The sustainability statement submitted with the application demonstrates that this development has been designed to achieve a BREEAM rating of “Excellent” under the BREEAM 2014 new offices criteria. A condition has been attached to request post construction confirmation that this rating has been achieved.
141. 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.
142. The proposed landscaping strategy includes planting on the façade and on the podium and roof terraces of the 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.

143. Subject to conditions in respect of the green roofs/podium, Citigen connection, details of photovoltaic panels and a 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.

#### Air Quality

144. The application 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 Policies 7.14 of the London Plan and CS15 of the Local Plan.
145. During construction dust emissions would increase and would require control through the implementation of good practice mitigation measures in the Construction Method Statements to be approved under conditions attached to the planning permission.
146. The report states that the number of additional vehicles during the construction phase would lead to a small increase in the number of vehicles on the local highway network. The overall impact would not be considered sufficient to cause a significant effect at any of the nearby local air quality receptors.
147. During the operational phase, the overall impact of the proposed development would be considered to be negligible and would not cause a significant effect on any of the nearby local air quality receptors.
148. In line with the Sustainable Design and Construction SPG (2014) an Air Quality Neutral Assessment is required to be submitted for all new development. The Air Quality Neutral Assessment (AQNA) demonstrates that the proposed development would not meet the building emission benchmarks, however the plant that was assessed is only for backup purposes as the development will be connecting to the Citigen heat network. It is recommended that the AQNA is resubmitted when more information is available and this would be secured via a condition.

#### Terraces and Winter Gardens

149. Local Plan Policy DM10.3 encourages the provision of high quality roof gardens and terraces to provide an amenity space for tenants.
150. The proposed development would provide six roof terraces which would provide accessible outdoor space for the office tenants. There would be one terrace at level 11, three terraces at level 13 and one terrace at 15. The terraces would comprise hard and soft landscaping with pockets of seating and would provide views towards Finsbury Circus and St Paul's. A condition is recommended to provide details of the landscaping to provide details of the landscaping. Conditions are recommended controlling the hours of use and operations of the external terraces to minimise disruption to nearby occupiers and residents.
151. There are four internal winter gardens which would comprise planting and seating to provide informal break out spaces for office tenants to use at levels 5, 7, 11 and 13.

### Urban Greening

152. The draft London Plan Policy G5 requires major developments to contribute to the greening of London by including urban greening as a fundamental element of site and building design, and by incorporating measures such as high-quality landscaping, green roofs and green walls. The Mayor has developed a generic Urban Greening Factor model to assist boroughs and developers in determining the appropriate provision of urban greening for new developments. The draft policy suggests a target Urban Greening Factor (UGF) of 0.3 for commercial developments.
153. There are a number of bio-diverse green landscaped areas proposed on the building which would positively enhance the site's ecological value. Vertical planting is included at the double height atriums and at the tops of the building. A number of green roofs and terraces are proposed at varying levels across the building. The UGF for this application has been calculated as 0.36 which would exceed the draft London Plan Policy G5 and is welcomed.

### Flood Risk and Drainage

154. A flood risk assessment has been submitted as part of the application. The site is within Flood Zone 1 and has low risk of flooding from fluvial or tidal sources, ground water and sewers. The residual low risk of flooding from groundwater sources would not warrant specific mitigation measures.
155. The Flood Risk Assessment includes a Sustainable Urban Drainage (SuDs) Assessment, which sets out the appropriate measures for the site. The most appropriate SuDs techniques for the site would be rainwater harvesting. A condition is recommended to provide details of the proposed SuDs including a lifetime maintenance plans for the SuDs.

### Noise and Vibration

156. 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.
157. Concerns have been raised by a number of objectors regarding the noise impact on residents at Willoughby House from servicing traffic on Moor Lane, the 'beeping' of reversing vehicles into the loading bay and loading bay operations.
158. To mitigate against the break-out noise from the loading bay, it is proposed to include a door on the loading bay so that loading and unloading would take place only when the doors are closed.
159. As detailed above, it is anticipated that there would be a total of 67 delivery vehicles across the proposed operational period of 7am – 9pm

with restrictions at peak periods. Of these deliveries it is anticipated only 9% (6 vehicles) would be deliveries from HGVs.

160. The noise consultants, in consultation with the transport consultants, have undertaken a noise assessment to assess the impact on Willoughby House of reversing alarms from vehicles reversing into the loading bay. The noise impact assessment demonstrated that no significant impact is expected to arise and is consistent with the character and level of the existing background noise levels at the times deliveries would be permitted.
161. 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.
162. 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.
163. The impacts on noise and vibration would be managed through conditions to control adverse effects.

#### Archaeology

164. The site is in an area of archaeological potential situated outside the Roman and medieval defensive wall. There is potential for early Roman remains related to the period prior to construction of the wall, including Roman burials. There is also potential for evidence from the later medieval and post medieval periods such as drainage ditches and later building foundations.
165. An Historic Environment Assessment has been submitted with the application. The existing building has a single basement with piled foundations and the west side of New Union Street is at basement level which has affected potential archaeological survival. Archaeological potential on the remainder of the site is less certain as it has not modern basements. The proposed development has a new basement at two levels and extends further north and south than the existing basement. The deeper and extended basement and new foundations would remove any surviving archaeological remains on the site.
166. Archaeological evaluation is required to provide additional details of the nature, character and date of potential archaeological remains, to supplement the findings of the assessment and design an appropriate mitigation strategy. It has not been possible to carry out evaluation at this stage as the buildings are in use.
167. Conditions are recommended to cover archaeological evaluation, a programme of archaeological work and details of foundations and piling design.

### Historic Plaques

168. There are historic plaques on the west and north elevations of the building and these should be carefully removed, stored and reinstated on the new building. A condition is attached to cover this aspect.

### Planning Obligations and Community Infrastructure Levy

169. 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. It would also result in payment of the Community Infrastructure Levy (CIL) to help fund the provision of infrastructure in the City of London.
170. These contributions would be in accordance with Supplementary Planning Documents (SPDs) adopted by the Mayor of London and the City.
171. The planning obligations and CIL contributions are set out below.

### Mayoral CIL and planning obligations

<b>Liability in accordance with the Mayor of London's policies</b>	<b>Contribution</b>	<b>Forwarded to the Mayor</b>	<b>City's Charge for Administration and Monitoring</b>
Mayoral Community Infrastructure Levy payable	£681,100	£653,856	£27,244
Mayoral Planning Obligation Net Liability *	£1,207,380	£1,207,380	-
Crossrail Administration and Monitoring	£3,500	-	£3,500
<b>Total liability in accordance with the Mayor of London's policies</b>	<b>£1,891,980</b>	<b>£1,861,236</b>	<b>£30,744</b>

\* Net liability on the basis of the CIL charge remaining unchanged and subject to variation.  
 $£1,888,480$  [CROSSRAIL indexed] –  $£681,100$  [CIL indexed] =  $£1,207,380$  (indexed)

### City CIL and S106 Planning Obligations

<b>Liability in accordance with the City of London's policies</b>	<b>Contribution</b>	<b>Available for Allocation</b>	<b>Retained for Administration and Monitoring</b>
City CIL	£1,021,650	£970,567	£51,083



City Planning Obligation Affordable Housing	£272,440	£269,716	£2,724
City Planning Obligation Local, Training, Skills and Job Brokerage	£40,866	£40,457	£409
City Planning Obligation Monitoring Charge	£1,750	-	£1,750
<b>Total liability in accordance with the City of London's policies</b>	<b>£1,336,706</b>	<b>£1,280,740</b>	<b>£55,966</b>

#### City's Planning Obligations

172. 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 other Highways obligations
- Delivery and Servicing Management Plan
- Local Training, Skills and Job Brokerage Strategy (Demolition)
- Local Training, Skills and Job Brokerage Strategy (Construction)
- Local Procurement Strategy
- Carbon Offsetting
- Utility Connections

173. I request that I be given delegated authority to continue to negotiate and agree the terms of the proposed obligations as necessary.

#### Monitoring and Administrative Costs

174. 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.

175. 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

176. The City will use CIL to mitigate the impact of development and provide necessary infrastructure but in some circumstances, it may be necessary to seek additional site-specific mitigation measures to ensure that a development is acceptable in planning terms. Other matters requiring mitigation are still yet to be fully scoped.

### Conclusions

177. The proposal is in substantial compliance with the development plan policies that relate to it and in particular it supports the objective of promoting the City as the leading international financial and business centre. The development would benefit from the proximity of the Crossrail line now under construction.
178. The proposals are considered not to have a detrimental impact on the settings of listed buildings and Conservation Areas in the vicinity.
179. Concerns have been raised by Barbican residents, particularly in relation to the impact of roof terraces, the loss of daylight & sunlight and the noise and disturbance from delivery and servicing. There would be minor reductions in sunlight and daylight to some residential properties. The appropriate assessments were carried out and, as indicated by the BRE guidance, 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.
180. There would be the loss of sunlight to the north of City Point Plaza on 21 March, however the space is not very well lit in the existing situation. In the summer months, when the Plaza is more likely to be used, it would continue to receive more than 2 hours of sunlight.
181. The applicants have amended the scheme to increase the size of the loading bay and included a door to the loading bay to minimise disruption to nearby residential occupiers. Increasing the size of the loading requires fewer vehicles per day to reverse into the loading bay which would minimise the sound from reverse 'bleepers'. Conditions have been recommended to control the number and timings of vehicles delivering to the site.
182. 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.

## **Background Papers**

### **Internal**

Memo Department of Markets and Consumer Protection dated 4 December 2017

Memo Department of Markets and Consumer Protection dated 18 September 2018

Email Department of Open Spaces (Patrick Hegarty) dated 31 July 2018

Memo Department of Markets and Consumer Protection – Air Quality dated 16 August 2018

### **External**

Email Transport for London dated 15 August 2018

Letter Historic England dated 31 July 2018

Letter City of Westminster dated 13 August 2018

Email Natural England dated 8 August 2018

Letter Greater London Authority dated 20 December 2018

### **Consultation Responses**

Barbican Residents Association (letter) dated 19 December 2017

Barbican Residents Association (email) dated 7 August 2018

James Mills dated 26 November 2017

Trevor And Jacqueline Kavanagh dated 26 November 2017

Beatriz Phipp dated 01 December 2017

Tim Bishop and Ian Loudon dated 26 November 2017

Dr Michael Swash dated 29 November 2017 and 6 December 2017

Mr Graham Webb dated 17 November 2017 and 28 July 2018

Miss Stephanie Gamble dated 28 November 2017

Mr Jorge Rodrigues dated 10 November 27 November 2017

F Hogan – dated 29 November 2017

John & Ann Ponting dated 24 November 2017 and 18 August 2018

Richard Haynes dated 28 November 2017

Mr Nick Astbury dated 20 November 2017

Ms Hilary Sunman dated 18 December 2017

Mr Peter Smart dated 22 November 2017

Mr Simon Ebbins dated 29 November 2017

Mr Christopher Makin dated 18 December 2017

Ms Nina Strangeway dated 22 December 2017

Mr Richard Gaskell dated 12 November 2017

Dr Maria Granowska dated 26 November 2017

Dr Paul Horsnell dated 28 November 2017

Dr Steve Nicholson dated 22 November 2017

Mr Martin Gilday dated 26 November 2017

Mr Richard Haynes dated 28 November 2017

Mrs Mary Durcan dated 08 December 2017

Miss Kathryn Gray – dated 29 November 2017

Ms Natalie Robinson dated 18 December 2017

Miss Tracey Wiltshire dated 01 December 2017

Mrs Katherine Jarrett dated 27 November 2017

Ms Lila Rawlings dated 27 November 2017

Ms Sarah Guy dated 29 November 2017

Mr Sam Nicholson dated 27 November 2017

Mr Tim O'Hara dated 27 November 2017

Mr Peter Reid dated 29 November 2017

Mr Nazar Sayigh dated 09 September 2018

Application Documents

JLL Reconsultation Covering Letter dated 8 July 2018

Planning Statement and Statement of Community Involvement dated July 2018

Construction Management Plan dated July 2018

Daylight, Sunlight and Overshadowing Report dated July 2018  
Framework Delivery and Servicing Plan dated July 2018  
Design and Access Statement dated July 2018  
Drainage Strategy Report dated July 2018  
Historic Environment Assessment dated July 2018  
Energy Strategy July 2018  
Sustainability Statement dated July 2018  
Pedestrian Microclimate Wind Tunnel Study prepared by Windtech dated 5 July 2018  
Pedestrian Wind Comfort Assessment dated July 2018  
Noise Assessment dated July 2018  
Townscape Heritage and Visual Impact Assessment dated July 2018  
Transport Assessment dated July 2018  
Travel Plan dated July 2018  
Utility Supplier Information dated July 2018  
Tenter House – Draft London Plan urban Greening Factor

## **Appendix A**

### **London Plan Policies**

The London Plan policies which are most relevant to this application are set out below:

### **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

### ***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.

### ***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.

### ***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 of 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.

### ***CS12 Conserve or enhance heritage assets***

To conserve or enhance the significance of the City's heritage assets and their settings, and provide an attractive environment for the City's communities and visitors.

#### ***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.

### ***CS15 Creation of sustainable development***

To enable City businesses and residents to make sustainable choices in their daily activities creating a more sustainable City, adapted to the changing climate.

### ***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 CO<sub>2</sub> 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.

#### ***DM15.6 Air quality***

1. Developers will be required to consider the impact of their proposals on air quality and, where appropriate, provide an Air Quality Impact Assessment.
2. Development that would result in deterioration of the City's nitrogen dioxide or PM10 pollution levels will be resisted.
3. Major developments will be required to maximise credits for the pollution section of the BREEAM or Code for Sustainable Homes assessment relating to on-site emissions of oxides of nitrogen (NOx).
4. Developers will be encouraged to install non-combustion low and zero carbon energy technology. A detailed air quality impact assessment will be required for combustion based low and zero carbon technologies, such as CHP plant and biomass or biofuel boilers, and necessary mitigation must be approved by the City Corporation.
5. Construction and deconstruction and the transport of construction materials and waste must be carried out in such a way as to minimise air quality impacts.
6. Air intake points should be located away from existing and potential pollution sources (e.g. busy roads and combustion flues). All combustion flues should terminate above the roof height of the tallest building in the development in order to ensure maximum dispersion of pollutants.

#### ***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.

### ***CS16 Improving transport and travel***

To build on the City's strategic central London position and good transport infrastructure to further improve the sustainability and efficiency of travel in, to, from and through the City.

#### ***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.

### ***CS17 Minimising and managing waste***

To support City businesses, residents and visitors in making sustainable choices regarding the minimisation, transport and management of their waste, capitalising on the City's riverside location for sustainable waste transfer and eliminating reliance on landfill for municipal solid waste (MSW).

### ***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.

### ***CS18 Minimise flood risk***

To ensure that the City remains at low risk from all types of flooding.

### ***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.

### ***CS19 Improve open space and biodiversity***

To encourage healthy lifestyles for all the City's communities through improved access to open space and facilities, increasing the amount and quality of open spaces and green infrastructure, while enhancing biodiversity.

### ***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.

## ***CS20 Improve retail facilities***

To improve the quantity and quality of retailing and the retail environment, promoting the development of the five Principal Shopping Centres and the linkages between them.

### ***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.

## ***CS21 Protect and provide housing***

To protect existing housing and amenity and provide additional housing in the City, concentrated in or near identified residential areas, as shown in Figure X, to meet the City's needs, securing suitable, accessible and affordable housing and supported housing.

### ***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: 17/01050/FULMAJ

**Tenter House 45 Moorfields London**

**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]**

## 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 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.
- 3 No work except demolition to basement slab level shall take place until an investigation and risk assessment has been undertaken to establish if the site is contaminated and to determine the potential for pollution 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 Local Plan DM15.8. These details are required prior to commencement in order that any changes to satisfy this condition are incorporated into the development before the design is too advanced to make changes.

- 4 Within five working days of any site contamination being found when carrying out the development hereby approved the contamination must be reported in writing to the Local Planning Authority 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 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 Local Plan DM15.8. These details are required prior to commencement in order that any changes to satisfy this condition are incorporated into the development before the design is too advanced to make changes.
- 5 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.

- 6 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: green roofs, rainwater harvesting systems, attenuation systems, rainwater pipework, flow control devices, pumps, design for system exceedance, design for ongoing maintenance (including removing sediment); surface water flow rates shall be restricted to no greater than 5 l/s, provision should be made for an attenuation volume capacity capable of achieving this, which should be no less than 210m<sup>3</sup>;
  - (b) Full details of measures to be taken to prevent flooding (of the site or caused by the site) during the course of the construction works.
  - (c) Evidence that Thames Water have been consulted and consider the proposed discharge rate to be satisfactory.
- REASON: To improve sustainability, reduce flood risk and reduce water runoff rates in accordance with the following policy of the Local Plan: DM18.1, DM18.2 and DM18.3.
- 7 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 runoff rates in accordance with the following policy of the Local Plan: DM18.1, DM18.2 and DM18.3.



- 8 Before any works including demolition are begun a site survey and survey of highway and other land at the perimeter of the site shall be carried out and details must be submitted to and approved in writing by the local planning authority indicating the proposed finished floor levels at basement and ground floor levels in relation to the existing Ordnance Datum levels of the adjoining streets and open spaces. The development shall be carried out in accordance with the approved 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. These details are required prior to commencement in order that a record is made of the conditions prior to changes caused by the development and that any changes to satisfy this condition are incorporated into the development before the design is too advanced to make changes.
- 9 All Parish Markers and commemorative plaques on the existing building shall be carefully removed prior to demolition commencing, stored for the duration of building works, reinstated and retained for the life of the building on the new building in accordance with detailed specifications including fixing details which shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the works affected thereby.  
REASON: In the interest of visual amenity and to maintain the historic and cultural interest of the site in accordance with the following policy of the Local Plan: DM12.1.
- 10 No works except demolition to basement slab level 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, such details to show the preservation of surviving archaeological remains which are to remain in situ.  
REASON: To ensure the preservation of archaeological remains following archaeological investigation in accordance with the following policy of the Local Plan: DM12.4.
- 11 No works except demolition to basement slab level shall take place until the developer has secured the implementation of a programme of archaeological work to be carried out in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. This shall include all on site work, including details of any temporary works which may have an impact on the archaeology of the site and all off site work such as the analysis, publication and archiving of the results. All works shall be carried out and completed as approved, unless otherwise agreed in writing by the Local Planning Authority.

REASON: In order to allow an opportunity for investigations to be made in an area where remains of archaeological interest are understood to exist in accordance with the following policy of the Local Plan: DM12.4.

- 12 Archaeological evaluation shall be carried out in order to compile archaeological records in accordance with a timetable and scheme of such archaeological work submitted to and approved in writing by the Local Planning Authority before any commencement of archaeological evaluation work.

REASON: To ensure that an opportunity is provided for the archaeology of the site to be considered and recorded in accordance with the following policy of the Local Plan: DM12.4.

- 13 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 including external ground and upper level surfaces;
- (b) details of the proposed new facade(s) including typical details of the fenestration and entrances;
- (c) details of a typical bay of the development;
- (d) details of ground floor elevations;
- (e) details of the ground floor office entrance(s);
- (f) details of photovoltaic panels
- (g) details of soffits, hand rails and balustrades;
- (h) details of junctions with adjoining premises;
- (i) details of the integration of window cleaning equipment and the garaging thereof, plant, flues, fire escapes and other excrescences at roof level
- (j) details of all ground level surfaces including materials to be used;
- (k) details of the arrangements for the provision of refuse storage and collection facilities within the curtilage of the site to serve each part of the development.

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: DM3.2, DM10.1, DM10.5, DM12.2.

- 14 A landscaping scheme for New Union Street, the roof terraces, facades and all external surfaces within the site boundary, to include details of all planting and plant species, artwork and lighting must be submitted to and approved in writing by the Local Planning Authority before any works affected thereby are begun. The landscaping scheme shall take into account the wind mitigation measures identified in the 'Tenter House Pedestrian Micro-Climate Study' prepared by Windtech (dated 5/07/2018).

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.

- 15 Demolition works shall not begin until a Deconstruction Logistics Plan to manage all freight vehicle movements to and from the site during deconstruction of the existing building(s) has been submitted to and approved in writing by the Local Planning Authority. The Deconstruction Logistics Plan shall be completed in accordance with the Mayor of London's Construction Logistics Plan Guidance dated July 2017, and shall specifically address the safety of vulnerable road users through compliance with the Construction Logistics and Community Safety (CLOCS) Standard. The Plan must demonstrate how Work Related Road Risk is to be managed. The demolition shall not be carried out otherwise than in accordance with the approved Deconstruction Logistics Plan or any approved amendments thereto as may be agreed in writing by the Local Planning Authority.

REASON: To ensure that demolition 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 demolition work commencing in order that the impact on the transport network is minimised from the time that demolition starts.

- 16 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 be completed in accordance with the Mayor of London's Construction Logistics Plan Guidance dated July 2017, and shall specifically address the safety of vulnerable road users through compliance with the Construction Logistics and Community Safety (CLOCS) Standard. The Plan must demonstrate how Work Related Road Risk is to be managed. 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.

- 17 The green roof(s) and green walls 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.
- 18 Prior to any plant being commissioned and installed in or on the building an Air Quality Report and Air Quality Neutral Assessment shall be submitted to and approved in writing by the Local Planning Authority. The report shall detail how the finished development will minimise emissions and exposure to air pollution during its operational phase and will comply with the City of London Air Quality Supplementary Planning Document and any submitted and approved Air Quality Assessment. The measures detailed in the report shall thereafter be maintained in accordance with the approved report(s) for the life of the installation on the building.  
REASONS: In order to ensure the proposed development does not have a detrimental impact on air quality, reduces exposure to poor air quality and in accordance with the following policies: Local Plan policy DM15.6 and London Plan policy 7.14B.
- 19 No development other than demolition shall take place until the detailed design of all wind mitigation measures has been submitted to and approved in writing by the Local Planning Authority. These details shall include the size and appearance of any features, the size and appearance of any planting containers, trees species, planting medium and irrigation systems. No part of the building shall be occupied until the approved wind mitigation measures have been implemented unless the Local Planning Authority agrees otherwise in writing. The said wind mitigation measures shall be retained in place for the life of the building unless otherwise agreed by the Local Planning Authority.  
REASON: In order to ensure that the proposed development does not have a detrimental impact on the amenities of the area in accordance with the following policies of the Local Plan: DM10.1, DM16.1, DM16.2. These details are required prior to construction in order that any changes to satisfy this condition are incorporated into the development before the design is too advanced to make changes.

- 20 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 construction works hereby permitted are begun. The mitigation measures shall be maintained for the life of the building. 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. These details are required prior to 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.
- 21 (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.
- 22 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.
- 23 Roof terraces hereby permitted shall not be used or accessed between the hours of 1800 hours on one day and 0800 hours on the following day and not at any time on Saturdays, Sundays or Bank Holidays, other than in the case of emergency. 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.

- 24 No amplified or other music shall be played on the roof terraces.  
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.
- 25 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.
- 26 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.
- 27 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.
- 28 A clear unobstructed minimum headroom of 5m must be maintained for the life of the building in the loading area (including refuse storage 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.
- 29 Servicing vehicles are permitted into/on the premises between the hours of 0700 to 2100 hours on Mondays to Fridays and 0900 to 1800 hours on Saturdays, excluding between 0700-0900 hours and 1700-1900 hours on Mondays to Fridays. Servicing of the premises is not permitted outside of these hours or at any time on a Sunday or a bank holiday. Servicing includes the loading and unloading of goods from vehicles and putting rubbish outside the building. This shall apply for the life of the building.  
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: DM15.7, DM16.2, DM21.3.

- 30 No more than 72 motor vehicles (not including motorcycles) shall be permitted access to the servicing area within the building during the between 7.00am to 9.00pm from Monday to Friday which shall apply for the life of 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.
- 31 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.
- 32 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.
- 33 No doors, gates or windows at ground floor level shall open over the public highway.  
REASON: In the interests of public safety
- 34 Details of the design and acoustic properties of the loading bay door shall be submitted to and approved by the Local Planning Authority before any works thereby affected are begun and shall be maintained for the life of the building.  
REASON: To ensure a satisfactory external appearance and to minimise disruption to nearby residents in accordance with the following policies of the Local Plan: DM10.1 and DM21.3.
- 35 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 317 long stay spaces and 34 short stay spaces. 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.

- 36 Changing facilities and showers shall be provided to accommodate 342 lockers and 33 showers and maintained throughout the life of the building for the use of occupiers of the building in accordance with the approved plans.  
REASON: To make travel by bicycle more convenient in order to encourage greater use of bicycles by commuters in accordance with the following policy of the Local Plan: DM16.4.
- 37 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.
- 38 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.
- 39 The development hereby permitted shall not be commenced until detailed design and method statements (in consultation with London Underground) for demolition, all of the foundations, basement and ground floor structures, or 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:
- o provide details on all structures
  - o provide details on the use of tall plant/scaffolding
  - o accommodate the location of the existing London Underground structures
  - o demonstrate access to elevations of the building adjacent to the property boundary with London Underground can be undertaken without recourse to entering our land
  - o demonstrate that there will at no time be any potential security risk to our railway, property or structures
  - o accommodate ground movement arising from the construction thereof
  - o mitigate the effects of noise and vibration arising from the adjoining operations within the structures

The development shall thereafter be carried out in all respects in accordance with the approved design and method statements, and all structures and works comprised within the development hereby permitted which are required by the approved design statements in



order to procure the matters mentioned in paragraphs of this condition shall be completed, in their entirety, before any part of the building hereby permitted is occupied.

REASON: To ensure that the development does not impact on existing London Underground transport infrastructure, in accordance with London Plan 2015 Table 6.1, draft London Plan policy T3 and 'Land for Industry and Transport' Supplementary Planning Guidance 2012.

- 40 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: P0100 Rev A, P0101 Rev A, P0102, P0198, P0199, P0200, P0201 Rev A, P0202 Rev A, P0203 Rev A, P0204 Rev A, P0205 Rev A, P0206 Rev A, P0207 Rev A, P0208 Rev A, P0209 Rev A, P0210 Rev A, P0211 Rev A, P0212 Rev A, P0213 Rev A, P0214 Rev A, P0215 Rev A, P0216 Rev A, P0217 Rev A, P0218 Rev A, P0219 Rev A, P0300 Rev A, P0301 Rev A, P0302 Rev A, P0303 Rev A, P0310, P0311 Rev A, P0312 Rev A, P0313 Rev A, P0400 Rev A, P0401 Rev A, P0410 Rev A, P0411, P0412 Rev A, P0413 Rev A, P0414 Rev A, P04100 Rev A, P4101 Rev A, P4102 Rev A, P4103 Rev A, P4104 Rev A, P4110, P4111, P4112 Rev A, P4113, P4114 Rev A

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 Local 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](http://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 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.
- 4 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.
- 5 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.

- 6 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".
- 7 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](http://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<sub>x</sub> 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<sub>x</sub> 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 maybe 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.

- 8 Under the Building Act 1984 the proposals for the above planning application, fall within the requirements of Section 18 as amended by Schedule 8 paragraph 6 of the Water Act 1989. The requirements of the Sewerage Undertaker (Thames Water Utilities Ltd) are that;  
Any building proposal which includes catering facilities will be required to be constructed with adequate grease traps to the satisfaction of Thames Water utilities ltd or their contractors.
- 9 The applicant is advised to contact London Underground Infrastructure Protection in advance of preparation of final design and associated method statements, in particular with regard to: demolition; drainage; excavation; construction methods; tall plant and scaffolding.

<b>Committee(s):</b>	<b>Date(s):</b>
Planning and Transportation Committee	08/10/2018
<b>Subject:</b> Barbican and Golden Lane Estates: Proposed Conservation Area	<b>Public</b>
<b>Report of:</b> Carolyn Dwyer	<b>For Decision</b>
<p style="text-align: center;"><b><u>Summary</u></b></p> <p>In May 2017 Committee approved a proposal to assess an area including the Barbican and Golden Lane Estates which was proposed as a new conservation area and to report on the findings.</p> <p>An assessment of the proposed area was undertaken in accordance with national criteria and guidance following which it was reported to Committee in November 2017 that two areas (the Barbican Estate and Golden Lane Estate) meet the criteria for designation as conservation areas.</p> <p>Committee authorised that public consultation be carried out on the proposals for designation of the two new conservation areas, with the results and recommendations to be reported to Committee.</p> <p>The public consultation was carried out from December 2017 to February 2018. 163 comments were received in total.</p> <p>Following consultation, it is proposed that one conservation area be designated to include an area which would comprise the Barbican and Golden Lane Estates, the Barbican Registered Park and Garden, the Barbican Wildlife Garden, Bridgewater Square and the London Wall Scheduled Ancient Monument west and north of Monkwell Square.</p> <p><b>Recommendation(s)</b></p> <p>Members are asked to:</p> <ul style="list-style-type: none"> <li>• Consider the results of the public consultation, analysis and conclusions.</li> <li>• Resolve to designate the area identified on the map in Appendix 1 as the Barbican and Golden Lane Conservation Area.</li> </ul>	

## **Main Report**

### **Background**

1. In April 2017 the Barbican and Golden Lane Residents' Associations approached the City of London Corporation with a proposal for a new conservation area. They were concerned that 'there are an increasing number of new developments that are due to affect the setting of the area's listed buildings and a conservation area would help control the massing and appearance of those developments and allow more consideration of proposed demolition of buildings within the area'. The boundary suggested for the conservation area was London Wall, Aldersgate Street, Baltic Street, Golden Lane, Chiswell Street and Moor Lane. This would have incorporated the existing Brewery Conservation Area. They initiated a public campaign in support of this proposal with a petition of 730 signatures.
2. The City Corporation has a statutory duty under section 69(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to consider whether it should designate conservation areas which are defined as 'areas of special architectural or historic interest, the character of which it is desirable to preserve or enhance'. There are currently 26 conservation areas in the City which cover 35.8% of the area. Section 69(2) of the Planning (Listed Buildings and Conservation Areas) Act states that 'It shall be the duty of a local planning authority from time to time to review the past exercise of functions under this section and to determine whether any parts or further parts of their area shall be designated as conservation areas; and if they so determine, they shall designate those parts accordingly'.
3. In the exercise of its planning functions, the City Corporation is required to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas and to prepare proposals for their preservation and enhancement. Relevant policy is contained in the City of London Local Plan 2015 and the National Planning Policy Framework (NPPF).
4. The designation of a conservation area brings the demolition of buildings within the area under the control of the local planning authority, in the absence of a planning permission for redevelopment. Permitted development rights are more restricted and there is greater control over work to trees. The Mayor of London's powers are unchanged whether the development is within or outside a conservation area.
5. A review of the City's conservation areas was last carried out in 2007. This principally assessed boundaries of existing conservation areas to rationalise and eliminate boundary anomalies, for example, where a boundary ran through a building. It is anticipated that the next full review will be undertaken following completion of the current programme of Conservation Area Character Summary and Management Guidelines SPDs, which is likely to be in 2-3 years' time. SPDs are in place for 18 conservation areas.
6. The City Corporation has previously carried out reviews of conservation area designation on a comprehensive basis. This has been beneficial as the City is a tight geographical area with a range of areas of different and varying character and this has enabled robust, justifiable proposals to be made to ensure designation boundaries are precise and clear.



7. Committee approval for the consideration and draft assessment of the suitability of the proposed area was granted in May 2017.
8. The assessment of the significance of the area and its eligibility for designation as a conservation area has been carried out in accordance with the NPPF, Historic England guidance and City of London policy. The policy context, background information, map of the proposed area and assessment criteria and conclusions were presented to committee on 14 November 2017. That report and appendices are attached as background papers to this report.
9. The assessment took account of the existing planning context and planning permissions in the area.
10. The proposed area was divided into five-character zones for the purposes of the assessment. The zones are:
  - Zone 1 – Golden Lane Estate
  - Zone 2 – Fann Street, Bridgewater Square
  - Zone 3 – Barbican Estate
  - Zone 4 – Brewery Conservation Area and other buildings
  - Zone 5 – Area to the south of the Barbican Estate, bounded by London Wall and Aldersgate Street.
11. The analysis of the five zones led to the recommendation that the Golden Lane Estate and Barbican Estate (zones 1 and 3) should be taken forward for consultation as two new proposed conservation areas. This was agreed by Committee on 14 November 2017.

### **Responses to the Consultation on the 2 Conservation Areas Proposed**

12. Between December 2017 and February 2018 an 8-week public consultation was carried out. 2 public drop-in sessions were held, when officers were available to answer questions. These were well attended by approximately 40 members of the public at each session. Leaflets and posters were distributed, displayed on noticeboards and around the areas concerned.
13. 163 responses to the public consultation were received including from statutory bodies, residents' associations, individuals and local bodies. The comments and responses to the issues raised are summarised in Appendix 2. Notably, there was considerable support for the inclusion of the Barbican Wildlife Garden within the proposed conservation area boundary.
14. The responses included those from the following bodies:
15. Historic England responded to the consultation and was supportive of the proposal to designate new conservation areas and the methods of assessment utilised. 'Historic England considers the proposals to be clearly evidenced against NPPF Policy 127 and in accordance with Section 69 of the Planning (Listed Building and Conservation Areas) Act 1990 which sets out a duty for local authorities to designate and publish a list of those conservation areas

which demonstrate “special architectural or historic interest, the character of which it is desirable to preserve or enhance”. In the event of the conservation areas being formally designated we look forward to commenting on any appraisals and management guidelines in due course.’

16. Comments from the 20<sup>th</sup> Century Society included disappointment that the extent of the proposed designation exactly conformed to the existing listed building curtilage, they were unclear why Bridgewater Square and the Barbican Wildlife Garden were excluded and provided additional information about buildings and history of zones 2 and 5. These comments have been addressed in Appendix 2.

The City of London Conservation Area Advisory Committee expressed its full support for the assessment by City of London Officers and would welcome the designation of the proposed conservation area.

17. Details of the public consultation and analysis is included in Appendix 2. Redacted, printed copies of the responses are available in the Members’ reading room.

### **Proposals**

18. It is the statutory duty of the City Corporation to consider whether it should designate conservation areas which are defined as ‘areas of special architectural or historic interest, the character of which it is desirable to preserve or enhance’.

Following the public consultation and considering the comments made, it is now proposed that a single conservation area should be designated. It would comprise Barbican Estate, Golden Lane Estate, the Barbican Registered Park & Garden, the Barbican Wildlife Garden, Bridgewater Square and the London Wall Scheduled Ancient Monument west and north of Monkwell Square.

19. A map of the proposed area and the designated heritage assets is included in Appendix 1.
20. Notice of designation, with particulars of its effect, must be published in the London Gazette and at least one newspaper circulating in the local planning authority’s area. Notice of designation must be given to the Secretary of State and Historic England and the designation of the area must be registered as a local land charge.
21. Following designation, a Conservation Area Character Summary and Management Strategy would be prepared.

### **Corporate & Strategic Implications**

22. The City of London Local Plan is undergoing review. The Local Plan provides the strategy and policies for shaping the City. Conservation Area boundaries are set out on the Policies Map. Decisions on the designation and boundaries of conservation areas are separate from the Local Plan process.

23. An Equalities Impact Assessment has been undertaken and the designation will not alter access to the area or any of the group's ability to appreciate the area in the same way they are currently able to.

### **Conclusion**

24. Following the assessment of the area and consultation responses it is recommended that your Committee resolves that Barbican and Golden Lane Estates, the Barbican Registered Park and Garden, the Barbican Wildlife Garden, Bridgewater Square and the London Wall Scheduled Ancient Monument west and north of Monkwell Square are designated as a new conservation area called 'Barbican and Golden Lane Conservation Area'.
25. The proposed boundary is identified on the map in Appendix 1.

### **Appendices**

- Appendix 1 – Map of Proposed Conservation Area
- Appendix 2 – Analysis of public consultation responses

### **Background Papers**

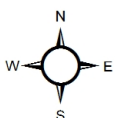
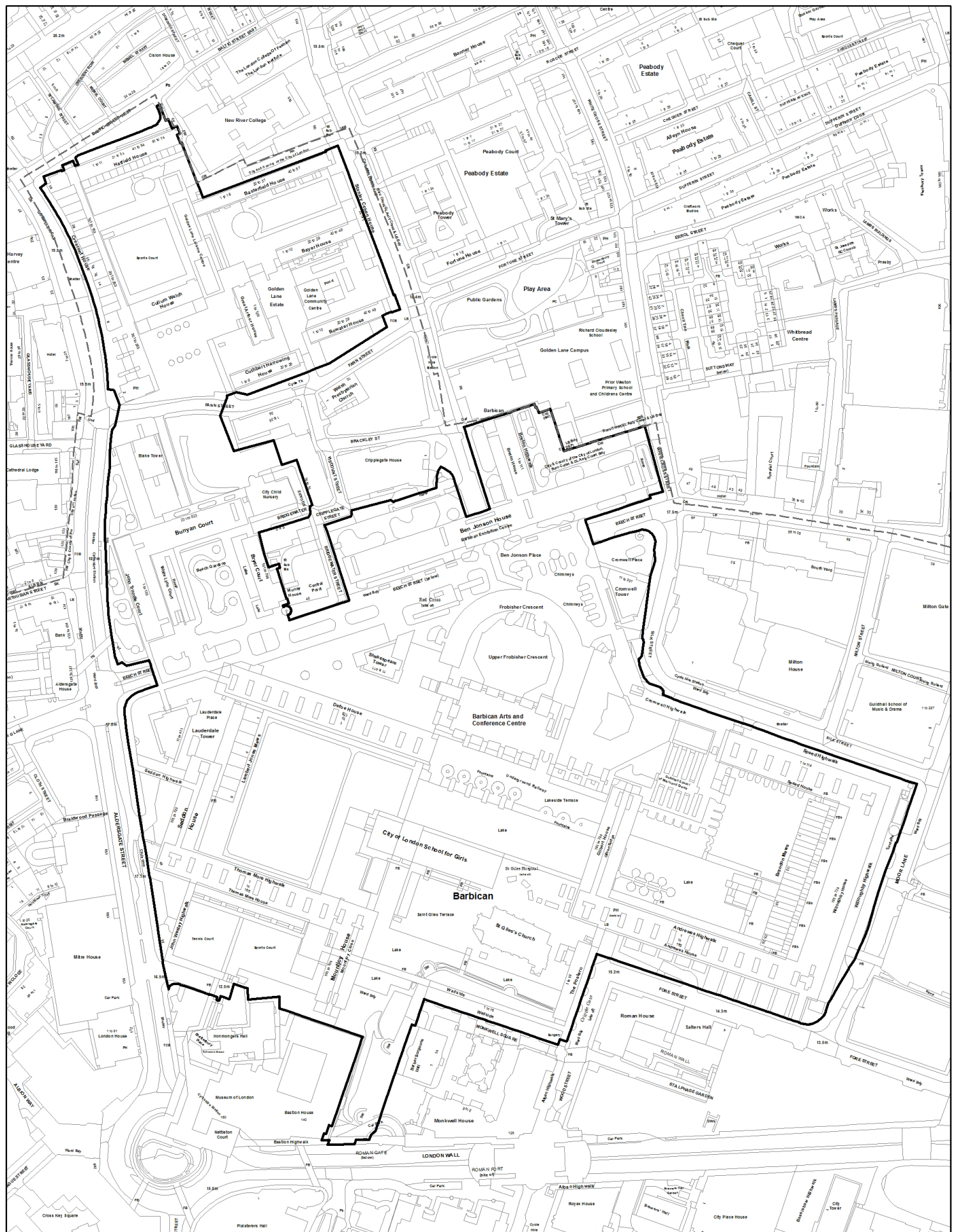
Planning and Transportation Committee, 23<sup>rd</sup> May 2017 – Barbican and Golden Lane Estates: Proposed Conservation Area.

Planning and Transportation Committee, 14<sup>th</sup> November 2017 – Barbican and Golden Lane Conservation Area.

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**Barbican and  
Golden Lane  
Conservation Area**



Proposed Conservation  
Area Boundary  
**Page 180**  
City of London Boundary

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Corporate GIS Team

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25 Sep 2018

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## Appendix 2

Proposed Barbican & Golden Lane Conservation Area

Public Consultation – Responses and Analysis

September 2018

## Summary of Responses

There were 163 responses to the consultation, including 5 Amenity Societies, 7 residents' associations and 4 consultee responses. Of the respondents 106 were Barbican residents, 8 Golden Lane residents, 1 resident of Zone 5 and 32 respondents did not state an address.

Many of the responses to the consultation concerned more than one issue. These are noted and are listed below:

Issue	No. of comments
The Barbican Wildlife Garden should be included within the boundary.	124
Zone 2 of the proposed area <b><u>should not</u></b> be included in the conservation area	36
Zone 2 of the proposed area <b><u>should</u></b> be included in the conservation area	35
Bridgewater Square should be included in the conservation area	11
In favour of designation of the proposed conservation areas.	11 in favour of the Barbican CA. 3 in support of Golden Lane CA. 20 in favour of both CAs
Would like the whole original area to be designated as a conservation area	8
Would like Zone 5 to be included	7
Would like Monkwell Square and Barber Surgeons included	4
Would like the Barbican and Golden Lane Estates to be one Conservation Area	3
Would like Basterfield Garages and Hatfield Lawn to be included	2
Would like the Welsh Church to be specifically included	2
Bridgewater House, 45 Beech Street and Cripplegate Institute should be included in the conservation area.	2

## Analysis of Issues Raised

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### ▪ Barbican Wildlife Garden

124 respondents requested that the Barbican Wildlife Garden be included within the boundary of the proposed conservation area. Much of the justification was the biodiversity of the space, its importance to wildlife and its vulnerability to development should it not be included within the conservation area.

**CoL Response** - The Barbican Wildlife Garden is designated as an open space and the City of London Local Plan contains policies which protect open spaces. As such, the Barbican Wildlife Garden is already protected from potential development. It is an important and valuable area for amenity, greenery and biodiversity. It is in the North Barbican area where the planned post-war development included open space.

Historic evidence, some of which was submitted by respondents to the public consultation, confirms the history of this area as part of the sixteenth century Bridgewater House and garden. It lies within the administrative boundary of Barbican Estate, agreed by the Barbican Committee in 1960.

**Conclusion** - The proposed boundary has been amended to include the Barbican Wildlife Garden.

### ▪ Zone 2 (excluding Barbican Wildlife Garden and Bridgewater Square)

35 respondents requested that Zone 2 be included within the proposed conservation area boundary. 2 respondents were against its inclusion (one of these responses represented 35 residents).

Many of the responses in favour of the inclusion of Zone 2 submitted material providing historical information regarding the buildings, layout and character of the area. These comments assert that Zone 2 comprises an area with a surviving pre-war street pattern and post-war rebuilding.

**Analysis** - Zone 2 is an area characterised by communal public spaces, late 19<sup>th</sup> and early-mid-20<sup>th</sup> century architecture which can be said to create a quiet transition zone between the two 20<sup>th</sup> century estates.

Specific buildings in the area are:

1. **Bridgewater House, 6-9 Bridgewater Square** – built in 1926, it was one of the few buildings to survive the bombing of the area and subsequent redevelopment. The tall round headed windows appear to be an original feature, (corrected from original assessment) and the 1985 alterations and repairs were carried out with sensitivity – however the extension of the 6<sup>th</sup> storey, addition of a 7<sup>th</sup>, alteration of ground floor windows and moving the position of the entrance has significantly altered the building.
2. **45 Beech Street** – a mid-1950s building which shaped the Barbican Estate, as the plot was not acquired at the time. The building can be said to have defined the edge of the estate but is not intrinsically significant.
3. **10 – 15 Bridgewater Square, the Cobalt Building** – built in 1997, a 7- storey building which faces both onto Bridgewater Square and Viscount Street. Generally quiet in the use of materials, but punctuated by ‘busy’ fenestration and balustrades, which do make a positive contribution to the area.

4. **Former Cripplegate Institute** – built in the 1890s, on the west side of Golden Lane with its original frontage (listed Grade II). The building was later altered, and an unsympathetic extension added behind the original façade.
5. The **Jewin Welsh Church**, designed by Caroe & Partners in the post-war period, has been identified as a non-designated heritage. There has been a church for the London Welsh on, or in the vicinity of, the site for about 250 years. Whilst the building has merit, conservation area designation should consider the character and appearance of an area and not protect a particular building.
6. **Tudor Rose Court** – designed by Avanti Architects to reflect the height, mass and bulk of the Golden Lane Estate. Whilst it may be considered contextual, there is a clear separation between the age, style and material of Tudor Rose Court vs the Barbican and Golden Lane Estates.

More general comments concerning Zone 2 have stated;

- a. We consider that the buildings in Bridgewater Square hold a certain coherence, which is already threatened by the proposed Denizen building. Increases in permitted building heights of several developments in Zone 2 have severely compromised sightlines between the 2 estates.
- b. Conservation areas are not just buildings but the relation of those buildings to their surrounding streets and buildings.
- c. Including it would prevent the creation of an 'island' of poor, speculative architecture – illustrated by the loss of Bernard Morgan House and its replacement with The Denizen.
- d. Agree that some of the buildings in the Fann Street Area lack character.
- e. Excluding Zone 2 risks the steady erosion of important visual links between the 2 listed estates and increases the very real threat of insensitive over development.

**CoL Response** - The comments have been carefully assessed. Zone 2, excluding the Barbican Wildlife Garden and Bridgewater Square has elements of interest, but is variable and not of sufficient character to warrant inclusion in the conservation area. The buildings vary widely in age and quality and do not provide a cohesive pattern of development and are separate and distinct from both the Barbican and Golden Lane Estates.

**Conclusion** - This area differs fundamentally in character from both the Barbican Estate and the Golden Lane Estate and is not proposed for inclusion in the conservation area.

#### ▪ **Bridgewater Square**

11 responses request Bridgewater Square be included within the conservation area.

**CoL Response** - Additional material has been submitted and further research undertaken. It was part of the sixteenth century Bridgewater House and garden. Bridgewater Square has associations with the Barbican and the development of the Estate and is important as a survival of the pre-war street plan. It is protected under the London Squares Preservation Act 1931 (amended 1961).

**Conclusion** - The proposed boundary has been amended to include Bridgewater Square.

#### ▪ **In Support of Designation**

11 comments explicitly support the Barbican Conservation Area, 3 specifically support Golden Lane Conservation Area, and 20 comments support the designation of both conservation areas. There are no responses which are completely against the designation of the 2 conservation areas

**CoL Response** – No response required.



**Conclusion** – No action necessary.

- **In favour of designation of a single conservation area incorporating all 5 zones, as originally proposed**

8 responses requested that the entire area as originally proposed, be designated.

**CoL Response** - The method of assessment of the proposed conservation area, was carried out with reference to national guidance and in accordance with appropriate methods as developed by the City. The assessment has shown that the entire area is varied in nature, coherence and quality of architecture and environment, making it inappropriate to designate the entire area. The assessment demonstrated that parts of the originally proposed area do not meet the criteria for designation as a conservation area. Designating areas that are 'weak' in significance would have the effect of 'diluting' the designated conservation areas of the City. The entire original area suggested by the Barbican Association and Golden Lane Residents Association is not proposed for designation. However, the area proposed to be designated has been extended in response to additional research and comments received. See the map in Appendix 1.

**Conclusion** - Parts of the area are proposed for designation.

- **Zone 5 - Barber Surgeons garden and Monkswell Square**

7 responses would wish to see Zone 5 included and 4 would like Barber Surgeons and Monkswell Square included in the conservation area.

**CoL Response** – The area is formerly the Barbican commercial fringe on the south side of the residential Barbican Estate, defined by the scheme for Route XI (now London Wall). In general, the area is highly varied with little coherence of character. It is a significantly altered environment from the original design intent and many buildings have since been developed or altered. It includes a range of buildings including the twentieth century livery halls of Ironmongers, Barber-Surgeons and Salters Companies, post war and modern developments including Roman House, Museum of London, Bastion House, Alban Gate and London Wall Place. The area includes heritage assets and open spaces, including the scheduled ancient monuments of the Roman and medieval London Wall, the listed remains of St Alphage Church Tower, St Alphage Gardens and Barber-Surgeons Garden. The assessment of Zone 5 does not satisfy the criteria for designation due to its varied character and appearance which now differs markedly from the original post war design.

However, the garden and stretch of London Wall to the south of the Barbican Estate which is within the boundary of the designated assets, that is, the Barbican Registered Park and Garden and the Scheduled Ancient Monument, London Wall west and north of Monkswell Square is recommended to be included within the conservation boundary.

**Conclusion** – Monkswell Square and Barber Surgeons garden are not proposed to be included in the proposed conservation area.

The area of the Barbican Registered Park and Garden that is within Zone 5 and the London Wall Scheduled Ancient Monument west and north of Monkswell Square are proposed to be included in the conservation area.

- **Zone 4**

Most responses agree that Zone 4, which includes the Brewery Conservation Area, should be excluded from the proposed conservation area. There was 1 response which suggested that the inclusion of Zone 4 should be reconsidered.

**CoL Response** - Brewery Conservation Area is significant, with a distinctive character that does not relate to the Barbican Estate. The modern buildings between these two contrasting areas are of little architectural merit.

**Conclusion** - Zone 4 should not be included in the proposed conservation area but remain a separate conservation area.

- **Designate one conservation area**

3 comments expressed a desire for the Barbican and Golden Lane to be designated as a single conservation area. It has been demonstrated that the area represents 'arguably the boldest and most concerted effort of post-war regeneration carried out in the UK'.

**CoL Response** - The relationship between the design, and development of these 2 estates, designed by the same architects, is clear. The inclusion of the Barbican Wildlife Garden and Bridgewater Square will strengthen the visual and physical relationship between the two estates.

**Conclusion** - A single conservation area is proposed for designation, to be called 'The Barbican and Golden Lane Conservation Area'.

- **Basterfield Garages and Hatfield Lawn**

2 respondents requested these elements be included.

**CoL Response:** Part of the area known as Basterfield Garages lies outside the City of London boundary and it is not possible to designate a conservation outside the City. It is a service road outside the listed building boundary. The service road to the north of Hatfield House is part of and has a physical relationship with the Golden Lane Estate and is within the listed building boundary.

- **The Jewin Welsh Church**

1 comment specifically requests the Welsh Church to be included, and another asks for the inclusion of Bridgewater House, 45 Beech Street and Cripplegate Institute.

**CoL Response:** These comments have been addressed in the assessment of Zone 2 (please see above).

- **Other comments**

1 comment expressed a desire to see improvements to Beech Street. 1 comment identified a need to address leakages on the Podium.

**CoL Response:** Though not directly relevant to the conservation area proposal, these comments have been noted and will be addressed through other workstreams.

## General Issues

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### **Assessment method**

Some responses questioned the City's methodology to carry out the assessment of the proposed conservation area and suggest that an independent historical assessment should be carried out.

**CoL Response** - The method of assessment and the criteria for designation were set out in the November 2017 committee report (see background papers) and agreed by Committee. Consideration of conservation areas is a duty of the local planning authority. The Planning (Listed Buildings and Conservation Areas) Act 1990, and sector guidance from Historic England were used in the assessment. This method was supported by the comments received from Historic England and has proved an effective means of analysing a large and complex area. The City's assessment of the area against the agreed criteria has been carried out internally by officers as agreed by committee in November 2017.

### **Mapping**

The original mapping provided did not identify all the relevant areas, particularly at the edges of the two estates. An updated map has been prepared (Appendix 1) which resolves these inaccuracies. In general, the boundary of the area has been drawn to follow the boundaries of existing statutory designations to ensure consistency.

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<b>Committee(s):</b>	<b>Date(s):</b>	<b>Item no.</b>
Planning and Transportation Committee	8 October 2018	
<b>Subject:</b> Redevelopment of 21 Moorfields - Acquisition of Land for Planning Purposes		<b>Public</b>
<b>Report of:</b> Chief Planning Officer		<b>For Decision</b>
<b>Report author:</b> Luke Cutfield, Comptroller and City Solicitor's Department		
<b>Ward (if appropriate):</b> Coleman Street		
<p style="text-align: center;"><b><u>Summary</u></b></p> <ol style="list-style-type: none"> <li>1. This report seeks your approval for the acquisition of land for planning purposes by agreement under section 227 of the Town &amp; Country Planning Act 1990 (the <b>TCPA</b>) (<b>S227</b>) enabling the operation of powers under Section 203 of the Housing &amp; Planning Act 2016 (the <b>HPA2016</b>) (<b>S203</b>) to facilitate the carrying out of the redevelopment of 21 Moorfields (the <b>Redevelopment Site</b>) (shown edged red on the plan at <b>Appendix 3</b>).</li> <li>2. LS 21 Moorfields Limited (the <b>Owner</b>) has asked if the City would be prepared to consider intervening by utilising the powers under S227 to enable reliance on the new powers in S203. For this to occur it would be necessary for the City to acquire an interest in the Redevelopment Site, and the City's compensation liabilities to be indemnified by the Owner.</li> <li>3. This report evaluates the request against the relevant criteria, concludes that the tests are met, and recommends agreeing the request.</li> </ol> <p><b>Recommendation</b></p> <p>It is recommended that Planning and Transportation Committee authorise acquisition of an interest in the Redevelopment Site by the City under S227 in order to engage powers under S203 for the planning purpose of facilitating the carrying out of the revised development (as described in paragraph 4 of the Main Report below) (the <b>Revised Development</b>) and subsequent disposal of that interest to the Owner (or an associated company) under section 233 of the TCPA.</p> <p><b>Subject to:</b></p> <ol style="list-style-type: none"> <li>(i) the City Surveyor being satisfied, following receipt of Counsel's opinion, that the risks associated with the transaction are acceptable;</li> <li>(ii) there being a suitable Deed of Indemnity (as described in paragraph 22) (<b>Indemnity</b>) in place satisfactory to the City Surveyor; and</li> <li>(iii) the acquisition and disposal referred to above being substantially in accordance with the arrangements in <b>Appendix 2</b> to this report with authority being delegated to the City Surveyor to agree final terms.</li> </ol> <p>(the <b>Recommendation</b>)</p>		

## Main Report

### Background

- 1) The City granted planning permission for a scheme at the Redevelopment Site on 25 November 2015 under reference 14/01179/FULEIA (the **Original Development**). On 2 June 2015 the City resolved to rescind the existing city walkway known as Moorfields Highwalk to enable the Original Development to proceed, subject to a Section 106 Agreement (the **Original Section 106 Agreement**) providing for re-provision of the city walkway. The Original Section 106 Agreement was completed, planning permission issued and city walkway rescission put in train, on 25 November 2015. The Development was supported by the Mayor.
- 2) The owners of the Redevelopment Site wished to commence preparatory works in respect of the Original Development 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. The owners advised at that time that the programme was 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. As a result, reports were made to the Planning and Transportation Committee on 10 March 2016 and the Policy and Resources Committee on 17 March 2016 respectively, seeking approval in principle for the potential acquisition of land for planning purposes by agreement under S227 enabling the operation of powers under section 237 of the TCPA (**S237**) to facilitate the carrying out of the Original Development. Those Committee approvals (the **Original Approvals**) were granted.
- 3) Since the Original Approvals the Owner has secured an agreement for lease with Deutsche Bank for its London HQ that is conditional on planning permission being granted for a building that causes a similar interference to the light enjoyed by the impacted properties to that in the permission for the Original Development at the Redevelopment Site. Deutsche Bank had particular bespoke requirements (such as the need for trading floors) in the building for it to serve as its new London HQ that necessitated the changes. The City granted planning permission for the revised scheme which accommodates Deutsche Bank's requirements on 4 May 2018 under reference 17/01095/FULEIA. The agreement for lease with Deutsche Bank is now unconditional.
- 4) The planning permission for the Revised Development is for the following (see **Appendix 4** for an image):
  - i) Construction of a mixed-use development above and around the new Crossrail station entrance to provide office space and a 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, varying in height between 8 and 16 storeys (including mezzanine levels) above podium level with the top two storeys enclosing mechanical plant. A western building, fronting Moor Lane, rising to 3 storeys above podium level.
  - iv) The proposed floorspace is: office (Class B1) space [63,008sq.m GEA], retail (Use Class A1/A3/A4) space [182sq.m GEA].
  - v) Both new buildings would be serviced from a loading bay in Moor Lane with a secondary "Post Room" provision for couriers on Fore Street Avenue. No car or motor cycle parking is proposed. Pedal cycle parking and changing facilities are provided.

- 5) As set out in the Chief Planning Officer's report to the Planning and Transportation Committee of 20 February 2018, the Revised Development 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 to promote the square mile as the leading international financial and business centre.
- 6) The scheme provides an employment led mixed-use development that would provide an increase in high quality office and retail floorspace and a London HQ for a key German global banking and financial services company. The new city walkway provides a good replacement for the existing highwalk. The public square would provide an attractive feature and an adequate replacement for former city walkway spaces.
- 7) Since the Original Approvals, S237 has been replaced by S203. In December 2016 Court of Common Council reaffirmed and updated arrangements previously adopted in respect of S237, to consider requests to engage the powers on a case by case basis. Consideration was delegated to the Planning and Transportation Committee, and it was clarified that wherever feasible and appropriate, the City would be expected to demonstrate that affected rights holders have been appropriately advised of the proposed resolution, made aware of any report, and provided with a relevant contact at the City to whom they can direct comments.

### Proposal

- 8) 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 damages for the effect of the light lost as a result of the interference.
- 9) The risk that a person or person entitled to rights of light may seek and/or obtain an injunction restricting the proposed development can be overcome by engaging the provisions contained in S203 and thereby conferring statutory authority to carry out the works notwithstanding the interference with the rights to light. The operation of S203 is described in the Legal Implications section of this report.
- 10) The Owner has asked if the City would be prepared to consider acquiring an interest in the Redevelopment Site for the planning purpose of facilitating the carrying out of the Revised Development, so as to engage the provisions of S203. Such interest would be effectively transferred back to the Owner who would be able to proceed with Revised Development. The Owner's request is annexed at **Appendix 8**. Draft documentation in respect of recommendations (ii) and (iii) has been prepared by the Owner's lawyers and the City Solicitor, to be completed as soon as possible following a resolution to accept the Recommendation.

### Considerations

- 11) In making a decision as to whether to acquire an interest in the land for the planning purpose of the Revised Development, the City must be satisfied that there is a compelling case in the public interest that the powers conferred by S203 be engaged in order that the building or use proposed can be carried out within a reasonable time. The criteria to be applied in deciding whether there is such a compelling case are set out and evaluated in **Appendix 1**. The conclusion is that it is considered the tests are met and the powers should be engaged.

## Proposed acquisition and disposal

- 12) The proposed terms are summarised at **Appendix 2** and are considered acceptable by the City Surveyor, subject to his approval of the final details, Counsel's forthcoming opinion and the Indemnity being in place.

## Legal implications

- 13) The City may acquire an interest in the land to be developed by agreement under Section 227 TCPA. Such acquisition must be for a purpose for which the City may be authorised to acquire land under Section 226 TCPA. The purposes for which land may be acquired are defined in Section 226(1) as follows:
  - (a) 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
  - (b) 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.
- 14) 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.
- 15) 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 promotion or improvement of one or more of the economic, social or environmental well-being of their area. The City would need to conclude that the acquisition would satisfy these tests to take the matter further. Advice on this is provided in part (iii) of **Appendix 1**.
- 16) If land is acquired by a local authority and the local authority could acquire the land compulsorily for the purposes of the building or maintenance work, and where there is planning consent for the building or maintenance work, and the building or maintenance work is for purposes related to the purposes for which the land was acquired by the local authority, S203 provides that the carrying out of the building or maintenance work on that land is authorised notwithstanding that it involves interference with a relevant right or interest, which includes rights to light such as those under consideration in this case. Where interference with rights is authorised, compensation is payable. Such compensation is based upon the diminution in value of the dominant owner's interest, as per section 204 of the HPA2016.
- 17) The City would have the power to dispose of an interest in land acquired by agreement under S227 by virtue of Section 233 of the TCPA. It is not necessary to justify acquisition for the authority to carry out the development itself. A site may be acquired with a view to onward disposal. Disposal may take place under Section 233 in such manner and subject to such conditions as appear to the City to be 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.
- 18) The disposal must be at best consideration that can reasonably be obtained. The City Surveyor is satisfied that due to the circumstances and related terms of the acquisition and disposal, this test will be met.
- 19) The leasehold interest in the land is owned by LS 21 Moorfields Limited from whom title would be acquired. Simultaneously with the acquisition of the leasehold interest from LS 21 Moorfields Limited, the City will grant an underlease of the same land back to LS 21



Moorfields Limited. The underlease will replicate LS 21 Moorfields' obligations under the leasehold interest. It is envisaged that the City will hold the leasehold interest for up to 45 working days before title in the leasehold interest would be transferred back to LS 21 Moorfields. The freehold is to be retained by London Underground Limited and Transport for London.

- 20) If the acquisition takes place as proposed the provisions of S203 will be engaged as:
- i) There is planning consent for the Revised Development
  - ii) the land will, at a time after 13<sup>th</sup> July 2016 have been acquired by a specified authority (such authorities include a local authority)
  - iii) under the powers conferred on it by section 226(1)(a) of the Town and Country Planning Act 1990 the authority (the City) could acquire the land compulsorily for the purposes of the building work permitted by the planning permission granted for the Revised Development.
  - iv) The building work is for purposes related to the purposes for which the land was acquired.

#### **Financial and risk implications**

- 21) In implementing S203 arrangements and disposing of any interest acquired under S227 back to the Owner, the City needs to be satisfied that all liabilities and costs arising from the arrangements (including any compensation liabilities falling to the City and potential costs associated with undertaking negotiations in relation to proceedings brought in the Lands Tribunal (the Upper Tribunal (Lands Chamber)) can be met by the Owner. S204 of the HPA2016 provides that the liability to pay compensation (if not discharged by the Owner) would be enforced against the City.
- 22) Counsel's opinion has been sought on the risks associated with the transaction. The Recommendation is therefore sought subject to the City Surveyor being satisfied that these risks are acceptable. The risks will be addressed through the Owner giving an Indemnity under which the Owner will indemnify the City against all matters arising from the sale and leaseback transaction, the use of S203 and the associated documentation. The Indemnity will include assurances that the highest offers made to date to each of the individual owners as compensation for any interference with rights of light which may arise as a result of the Revised Development will be honoured by the Owner. The Owner has agreed to provide this Indemnity (with Land Securities Properties Holdings Limited (**LSPH**) acting as guarantor) to the City, however, the precise terms have yet to be agreed.
- 23) The City Surveyor is satisfied that reasonable attempts have been made by the Owner to settle any claims which may be made by those holding all of the remaining interests and that the risks associated with the property transaction are acceptable in principle, subject to Counsel's forthcoming opinion. Officers will keep the Committee updated on this matter.

#### **Consultees**

- 24) The City Planning Officer, City Surveyor, Town Clerk, Chamberlain and Comptroller & City Solicitor have been consulted in the preparation of this report. All affected properties which benefit from rights of light likely to be subject to injunctable infringements are listed at **Appendix 5**, and all Affected Owners have been consulted as detailed in part (ix) of **Appendix 1**.

## Conclusions

25) 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 S203 of the HPA2016 should be approved on the following basis:

- This Committee resolved in March 2016 to approve the use in principle of S237 of the TCPA (which is now superseded by S203 HPA2016) to appropriate the Redevelopment Site for planning purposes and its sale back to the owners, when the owners were proposing a similar scheme in rights of light terms (albeit one that did not yet have a tenant). That scheme has been partially implemented at the Redevelopment Site with the existing buildings having been demolished, enabling works within Moorgate underground station to be completed, the city highwalk being temporarily closed and the piling work ongoing with 50% of the piles installed to as at 31 August 2018.
- It is considered desirable for the Revised Development to progress and be completed as soon as possible, in particular to secure benefits to the amenity of the area with the addition of the new building and provision of public realm enhancements; 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 hub, and significant employment generation in immediate proximity to a new Crossrail interchange.
- The Revised 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 together with securing the occupancy of Deutsche Bank would be of benefit to the business community generally and would contribute to the targets contained in policy CS1 of the City of London Local Development Framework.
- All of the Considerations set out in **Appendix 1** have been properly addressed and on balance, the outcomes of the Considerations support the Recommendation.
- The City Surveyor is satisfied that the remaining Affected Owners either: (a) are not prepared to relinquish those rights (by agreement on reasonable terms and within a reasonable timeframe); and/or (b) where in principle terms have been agreed, will not have entered into enforceable deeds of release within the necessary timeframe, in both cases to achieve practical completion in a timely and orderly fashion in accordance with the Owner's and Deutsche Bank's programme. The City Surveyor has confirmed that the proposed terms of the acquisition and disposal and of the Indemnity are considered acceptable in principle.
- Affected Owners who have rights of light infringed will be entitled to compensation.

## Background papers:

Papers	Committee(s)	Date
1. Redevelopment of 21 Moorfields – Potential Acquisition of land for Planning Purposes	Report to Planning and Transportation Committee	10 March 2016
	Report to Policy and Resources Committee	17 March 2016

2. Rights of Light Issues Affecting Development – Update	Report to Planning & Transportation Committee	28 November 2016
	Report to Court of Common Council	8 December 2016
3. Redevelopment of 21 Moorfields – Application for planning permission	Report to Planning and Transportation Committee	20 February 2018

**Appendices:**

1. Relevant Criteria and Evaluation
2. Terms of Acquisition and Disposal
3. Redevelopment Site Plan
4. Image of Revised Development
5. List of affected properties
6. Extract from the 20 February 2018 Committee report evaluating the daylight/sunlight impacts [180] – [212]
7. Cut back drawings
8. Owner's request to use S203

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## APPENDIX 1

### Relevant Criteria and Evaluation

1. The City must be satisfied that there is a compelling case in the public interest that the powers conferred by S203 be engaged in order that the building 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 S203 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 or 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 HPA2016 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 S203 would be broadly consistent with advice given in the DCLG Guidance on Compulsory Purchase (2015) (updated in February 2018) (the **DCLG Guidance**) (and any replacement thereof) so far as relevant;
  - (viii) The use of the powers is proportionate in that the public benefits to be achieved outweigh the infringement of human rights;
  - (ix) The developer and the City have consulted with rights holders regarding the engagement of S203 wherever feasible and appropriate in the circumstances of the case.

Each of these considerations is dealt with using the same enumeration below.

#### *(i) Planning permission*

2. Planning permission was granted for the Revised Development on 4 May 2018 under reference 17/01095/FULEIA.

***(ii) Facilitation of the Revised Development by use of S203***

3. Based on the evidence submitted by the Owner, the programme for the Revised Development cannot be met unless those entitled to rights of light agree to infringements or the infringements are authorised by S203. To maintain the programme in order to maximise the ability to deliver the completed development, including fitout and occupation by Deutsche Bank by the end of 2023, the Owner needs to enable the above grade development works in the first half of 2019 so as to enable completion during 2021 (the **Development Programme**). However, given that the Affected Owners have a financial incentive to not agree to allow the infringement together with the negotiation history demonstrating a number of “stalled” negotiations, it is considered that the acquisition of the Redevelopment Site and engagement of S203 is necessary in order to facilitate the carrying out of the Revised Development within the time required to allow Deutsche Bank to occupy the building.

***(iii) Revised Development in the public interest due to promotion of the economic, social or environmental wellbeing of the City***

4. The recent planning history of the Redevelopment Site is outlined in the Background section of this report. The scheme will deliver an employment led mixed-use development that will enable projected employment generation of around 4,300 people, compared to approximately 790 in the previously existing buildings. It is noteworthy that it is common for businesses within the financial services sector to operate at higher densities and a rate of one person per 8sq.m NIA would result in approximately 6,450 in the same space proposed to be occupied by Deutsche Bank. This is an important consideration if the building was to be occupied by another tenant in the future as it could yield even greater employment generation. In addition, the Revised development will 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 Revised Development is considered to be in substantial compliance with policies as discussed in more detail below.
5. 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.
6. The City of London Local Plan 2015 includes the following policies:
  - i) Under “Implementation And Delivery” at paragraph 1.15, it states that the City 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.
  - ii) Strategic Objective 1 which is: “to maintain the City’s position as the world’s leading international 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 in three five-year phases as follows:

Phase 1 - 2011 – 2016: 650,000 m2

Phase 2 - 2016 – 2021: 250,000 m2

Phase 3 - 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.

The target of 650,000 m2 in Phase 1 (2011/12 to 2015/16) equates to an average of 130,000 m2 per annum. For each of the financial years (apart from 2014/15) there was a net loss in office floorspace. This was due to significant demolition of floorspace to enable redevelopment schemes to be delivered.

In Phase 2 (2016/17 to 2020/21) a net gain target of 250,000 m2 was set, which equates to an average of 50,000 m2 per annum. For the financial years in 2016/17 there was a net loss of 61,600 m2 and in 2017/18 there was a net increase of 131,100 m2.

In Phase 3 (2021/22 to 2025/26) the projections are primarily based on a mixture of sites:

- where permission for redevelopment is granted but not commenced,
- where an application has been submitted but is awaiting a decision as at 31st March 2018,
- plus, the application of long term trends relating to sites known from pre-application discussions.

The projections suggest that during this phase there would be a broad balance between the net gain stock supply and the office stock target. The office floorspace is projected to increase from 8,900,000 m2 in 2011/12 to 10,500,000 m2 in 2025/26.

As the Revised Development would provide 63,008 m2 of office floorspace when completed, it stands to contribute in a meaningful way towards the office floorspace targets.

- 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.
  - Promoting inward investment and encouraging developers and businesses to invest and locate in the City.
- iv) Policy DM 1.2 which is “To promote the assembly and development of large office schemes in appropriate locations”, states that the City will invoke compulsory purchase powers, where appropriate and necessary, to assemble large sites.
  - v) Policy DM 1.3 which is “To promote small and medium sized businesses in the City”, states that the City will achieve this by encouraging office designs which are flexible and adaptable to allow for sub-division to create small and medium sized business units.
  - 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 for its businesses, workers and residents.”
  - vii) 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 may consider acquiring interests in land or appropriating land for planning purposes to enable development to proceed.”
7. 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, which states that:
    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.”
8. In conclusion, the acquisition of the Redevelopment Site for planning purposes pursuant to S227, so as to engage S203, will facilitate the carrying out of the Revised 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 hub, and significant employment generation in immediate proximity to a new Crossrail interchange).

9. The Revised Development has secured a planning obligation package together with a contribution to Crossrail.
10. The key benefits of the Revised Development are:
  - i) the provision of an employment led mixed-use development intended to be the London HQ of Deutsche Bank, a leading German global banking and financial services company projected to accommodate around 4,300 people and including retail to provide support services to the workforce in the area;
  - ii) the provision of around 63,000 sq.m (GEA) of high quality office space, which equates to 41,662 sq.m (GEA) of net additional floorspace.
  - iii) the provision of public realm improvements including new reinstated city walkway route which will provide a more direct, wider and higher quality access from the station below to the Barbican and Moorgate (including the new Moorgate ticket hall), high walk, public lifts (including disabled access), stairs, public escalators, public open space and landscaped green areas to be maintained by the Developer.
  - iv) the productive use of a partly vacant site;
  - v) the replacement of buildings demolished by Crossrail and the Owner, and the resulting infilling of the townscape gap.
11. As demonstrated by the drawings attached to this report at **Appendix 7**, the Revised Development cannot be feasibly altered to avoid right of light infringements. If the Revised Development does not proceed, the benefits identified above will not be delivered and it would not meet the requirements of Deutsche Bank.
12. In relation to the benefits outlined at paragraphs 10.(i) and (ii) above, these relate directly to the design and scale of the Revised 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. Deutsche Bank have indicated that following an extensive search, there is no other site in the square mile that would fulfil its specific needs. The retention of Deutsche Bank in the square mile is considered to promote Core Strategy Policy CS1.
13. The provision of the benefits identified in paragraph 10.(iii) above flow from the comprehensive redevelopment of the Redevelopment Site and will not be delivered as a package without the Revised Development.
14. The provision of the benefits identified in paragraphs 10. (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 Redevelopment Site remains vacant and undeveloped for any considerable period of time after the Crossrail station opens.
15. For the reasons given the Revised Development is likely to contribute to the achievement of all three objects identified in S226(1)(a) of the TCPA. It would bring about the promotion or improvement of the economic, social and environmental well-being of the City’s area.

***(iv) Infringement of rights by the Revised Development cannot be reasonably avoided***

16. In terms of the history of negotiations with the Affected Owners, the Owner has advised the City that specialist rights of light surveyors were instructed in 2012 to advise on design and massing in order to minimise the impact of the proposed development on neighbouring properties. The Owner has retained the same specialist surveyors and the design and massing of the Revised Development has progressed in order to identify the impact of the Revised Development on neighbouring properties.
17. By 2014 following the resolution of the optimum design, the Owner had contacted the majority of owners who could pursue an injunction preventing the development from proceeding. Since 2014, the owners continued to seek agreement with the parties affected by the development. As of 25 September 2018, the Owner has completed forty-three rights of light agreements with those owners that would hold potential injunctable rights of light claims in respect of the Revised Development. Specifically, seven of the fifteen rights of light deeds with owners of commercial property have been completed, as well as thirty-six of forty-nine deeds with owners of residential property.
18. However, both legal and remaining commercial negotiations with other Affected Owners are proceeding slowly. These include parties that were first contacted in 2014 and two affected properties where the owners are located overseas. The Owner has indicated that negotiations will continue in good faith with the interests in the remaining properties. Despite this commitment, the Owner is of the view that realistically, there is no prospect that agreement will be reached, and binding deeds of release entered into with the remaining Affected Owners to enable the Development Programme to be met. To date, all Affected Owners have had offers made to acquire their respective interests. All settlements agreed and best offers made to date would be honoured by the Owner. This will be secured in the Indemnity which will be required to be given prior to any acquisition. Affected Owners could also refer the level of compensation to the Lands Chamber. The schedule attached as **Appendix 5** lists the affected properties where there are outstanding agreements. Personal information has been redacted from the schedule for privacy reasons.
19. The impacts in planning terms, of the issues of daylight, sunlight and overshadowing were fully considered when this Committee resolved to approve the Revised Development in February this year. 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. An extract from the 20 February 2018 Committee report evaluating the daylight/sunlight impacts is annexed at **Appendix 6**.

***(v) Rights of light cannot reasonably be released by agreement***

20. In deciding whether it is necessary to acquire an interest in land under S227 so as to engage the provisions of S203 and thereby facilitate the carrying out of the Revised 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.
21. The Owner has asked the City to take into account the following:
  - i) Despite the significant efforts of the Owner, 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 above grade development works in the first half of 2019 so as to enable completion during 2021, for fit out and occupation by Deutsche Bank by the end of 2023;
  - iv) Any delay to the Development Programme would also delay progress in carrying out the public realm upgrade in the vicinity;
  - v) If the Development Programme is open to risk Deutsche Bank's occupation could be jeopardised.
22. The Owner's agreement with the freehold owners of the Redevelopment Site (London Underground Limited) enables them to drawdown a long-leasehold interest by way of one or two new head leases and permits the transfer of the long-leasehold interest to the City so as to enable the engagement of S203. Due to the potential for judicial review following Committee resolution and the signing of the legal agreements, the Owner needs a minimum of 6 months post Committee to ensure that the Redevelopment can be delivered in a timely and orderly fashion in accordance with the Development Programme and will be able to accommodate Deutsche Bank and its requirements as set out in the agreement for lease and enable the delivery of the highwalk and improved public realm. Any remaining risk of there being an Affected Owner with an injunctable position would have an impact on the timing and certainty of that delivery and achieving practical Occupation by the end of 2023.
23. Given the current state of negotiations, it appears highly unlikely that the remaining deeds of release will be completed with all Affected Owners prior to the date that the "no-impact" right of light zone is expected to be breached in the summer of 2019. The City Surveyor is satisfied that reasonable attempts have been made by the Owner to settle the remaining rights of light interests and that importantly, if the Recommendation in this report is accepted, S203 will not be engaged unless the Indemnity is entered into. Such Indemnity will secure that any compensation liabilities will be met by the Owner and will include the commitment that the Owner will, on completion of an effective deed of release, honour the highest monetary offers that it has made to date to each of the individual owners for any injunctable right of light claims that could have arisen from the completion of the Revised Development.

***(vi) Revised Development prejudiced due to risk of injunction***

24. For the reasons set out above at paragraphs 3 and 21, the Revised Development stands to be prejudiced by the risk of injunction. If the Revised Development cannot be completed in a form which meets the requirements of Deutsche Bank, this would have an impact on the financial viability of the scheme. If construction of the Revised Development had to cease due to an injunction from an Affected Owner, this too would have an impact on the Programme and could impact on the financial viability of the project.

***(vii) Decision to engage S203 would be consistent with DCLG Guidance***

25. The City has the power under section 226(1) of the TCPA to make an order to acquire the Redevelopment Site compulsorily. The advice given in the DCLG Guidance should be taken into account in deciding whether to acquire land in order to engage the provisions of S203. At paragraph 12, the DCLG 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 S203. Given that it is in the public interest that the Revised Development should proceed (as discussed in part (iii) above), and the fact that the Revised 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 Redevelopment Site should be acquired for planning purposes in order to engage the provisions of S203.

26. A confirming authority would expect the acquiring authority to demonstrate that they have taken reasonable steps to acquire all of the land and rights included in the Order by agreement. Here, it would be appropriate to show the efforts undertaken by the Owner and in particular the attempts to acquire the relevant interests by agreement. The efforts made have been discussed at paragraphs 16 to 18 above and are considered to include all reasonable steps. In addition, the Owner has confirmed that after any resolution, it would continue to settle compensation at the highest monetary offer made to each relevant party to date, and this requirement is to be contained in the Indemnity provided to the City.
27. The DCLG Guidance also says that when making and confirming an order, acquiring authorities should be sure that the purposes for which the compulsory purchase order is made justify interfering with the human rights of those with an interest in the land affected. These issues are considered below in part (viii).

***(viii) Public benefits associated with engagement of S203 outweigh infringement of human rights***

28. Human Rights issues arise in respect of the proposed arrangements. An acquiring authority should be sure that the purposes for which the Redevelopment 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 is required to act in accordance with the European Convention on Human Rights (the **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 S227, which engages S203 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.
29. 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".
30. 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.
31. 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 S203 powers amounts to a proportionate interference in all the circumstances. Central to the issue of proportionality is the availability of compensation to those who are deprived of their Rights of Light.

32. The key public benefits arising from the Revised Development are set out at paragraph 10 above. The planning implications of the Revised Development have been fully considered and it has been deemed acceptable with planning permission being granted in May 2018.

***(ix) Consultation with Affected Owners***

33. The Developer has contacted all of the Affected Owners with the intention of negotiating settlements in respect of each interest as evidenced in the schedule annexed at **Appendix 5**. The City wrote to all Affected Owners with injunctable interests (as shown in **Appendix 5**) that were yet to conclude agreements for settlement on either 4 or 23 July 2018. The Affected Owners were advised that the City had been asked by the Owner to consider acquiring an interest in the Redevelopment Site for the planning purpose of facilitating the carrying out of the Revised Development, so as to engage the provisions of S203. The letters also briefly explained the effect of S203 and welcomed engagement on any outstanding issues that the recipient may have. The majority of the recipients had already engaged surveyors and reached agreements in principle with the Owner (as shown in **Appendix 5**) and the City did not receive any responses that prompted further consultation.
34. The City will again write to the same Affected Owners once this report is available online, notifying them that the report is being made with the Recommendation to engage S203.

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## APPENDIX 2

### Summary of Acquisition and Disposal

1. The Owner and the City will enter into a sale and leaseback agreement (the **Agreement**);
2. At the same time as entering into the Agreement, the parties will enter into the Indemnity under which the Owner will indemnify the City against all matters arising from the sale and leaseback transaction, the use of S203 and the associated documentation. The Indemnity will also include obligations on the Owner to build, and to honour all offers of compensation made to date, the specific terms of which are yet to be agreed. LSPH will act as guarantor in relation to the Indemnity;
3. The Owner will take a new head lease of the Property from London Underground Limited and Transport for London (the **New Headlease**), under the terms of the development agreement between those parties;
4. The Owner will assign the New Headlease to the City (the **Sale**) and simultaneously the City will grant back a sublease to the Owner for the term of the New Headlease less 3 days, with the City's obligations under the Headlease being passed through to the Owner (the **Underlease**);
5. The New Headlease will be re-assigned to the Owner not more than forty-five (45) working days later (the New Headlease and the Underlease may merge or remain in place, separately, at LSM's discretion).

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## Redevelopment Site Plan



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## APPENDIX 4

### Image of Revised Development



Aerial View of the Concept Proposals from the northeast.

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## APPENDIX 6

### Extract from the 20 February 2018 Committee report evaluating the daylight/sunlight impacts

#### 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.

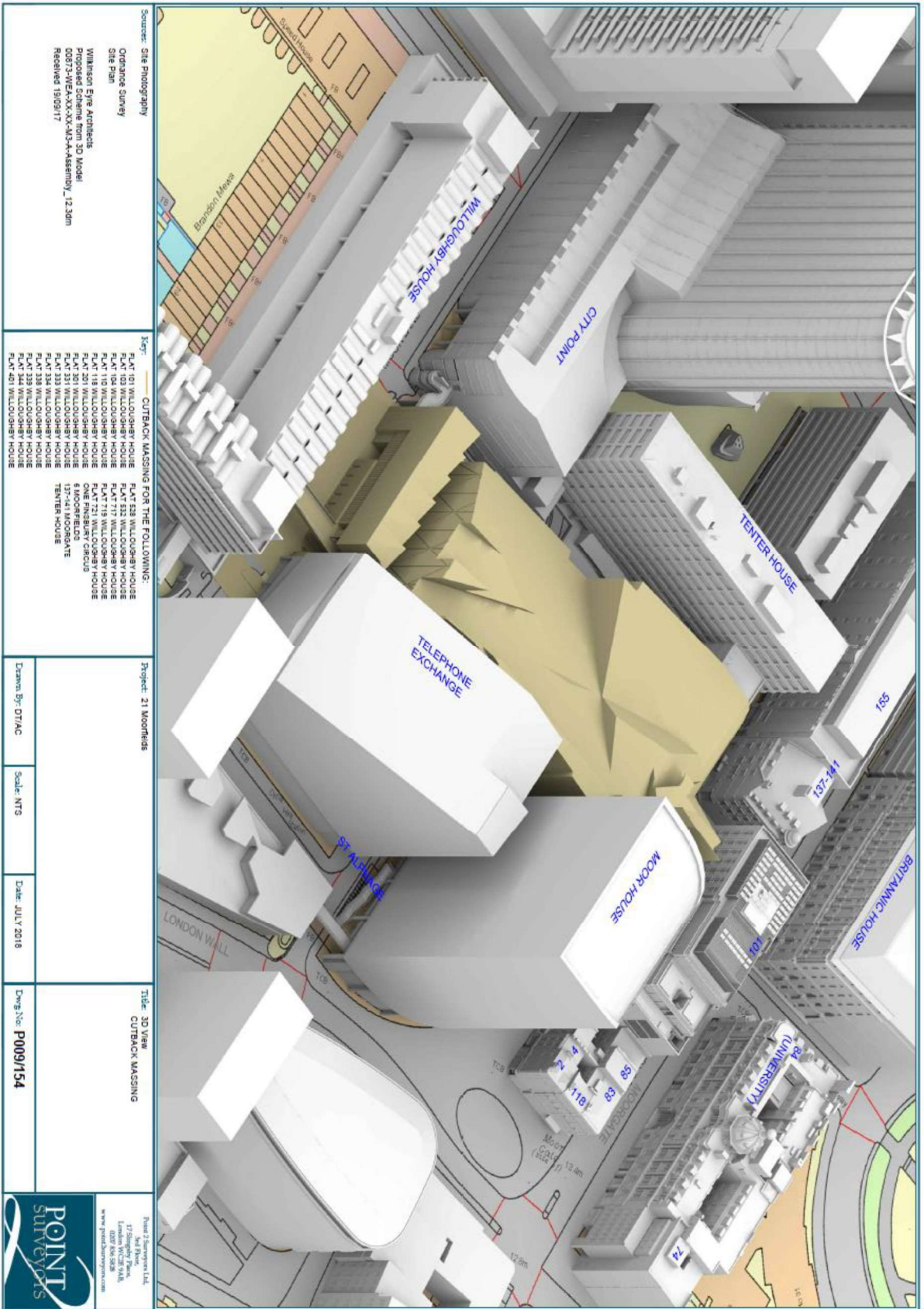
211. These assessments were carried out and, as indicated by the BRE, they demonstrated that it is the presence of the balconies, rather than the size of the proposed development that is the main factor in the relative loss of daylight and/or sunlight.

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.

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## **APPENDIX 7**

### **Cut back drawings**





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## **APPENDIX 8**

### **Owner's request to engage S203**





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Ms Deborah Cluett  
City of London Corporation  
PO Box 270  
Guildhall  
Greater London  
EC2P 2EJ

Our Ref. L7.06.18/MP/mw/21MCoL

7 June 2018

Dear Ms Cluett

#### **Section 203 Housing and Planning Act 2016 – 21 Moorfields**

As you will be aware the City unanimously resolved to grant planning permission for the redevelopment of 21 Moorfields on 20 February 2018. The Section 106 agreement was completed and planning permission reference number 17/01095/FULEIA was issued on 4 May 2018. 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 to enable the operation of section 203 of the Housing and Planning Act 2016. 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 proposal involves redevelopment of this two acre site with the construction of an employment led development above and around the new Crossrail station entrance to provide office (Class B1) space, retail (Class A1/A3/A4) space, a replacement City Walkway, a new public square, cycle parking, servicing, storage, plant, landscaping and associated works

The office buildings previously on the site were erected in the 1960's and comprised 153,000 sq.ft of space in total. These were demolished partly by Crossrail and partly under the original planning permission for redevelopment of the site which was granted on 25 November 2015 under reference number 14/01179/FULEIA (the "2015 Permission").

The City resolved in March 2016 to use its powers under what was then section 237 of the Town and Country Planning Act 1990 to facilitate the redevelopment of the site.

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A minor material amendment to the 2015 Permission was granted on 10 November 2017 under planning permission reference number 16/00883/FULEIA and this permission has also been implemented at the site (the "Extant Permission").

The present scheme has been redesigned to meet the bespoke requirements of Deutsche Bank ("DB") for occupation as its new London HQ. DB intends to consolidate its existing City assets into one building at 21 Moorfields and has entered into an agreement for lease which is conditional upon receipt of an unchallengeable satisfactory planning permission for the current application being granted. DB has carried out an extensive review of properties available for occupation in 2023 as a new London HQ when its existing leases expire and there are no other options available in the Square Mile that would fulfil its specific needs.

DB is a German global banking and financial services company and has more than 100,000 employees in over 70 countries including over 7,000 people in London. Large firms such as DB make a significant contribution to City of London business rates. Having DB based in the City means that any exports of its 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).

The proposed development will result in an additional 41,662 sq.m gross of class B1 office floorspace over the previously existing buildings on the site and 1,545 sq.m more than the Extant Permission. Only where changes are essential have they been made to the previously approved proposals in order to accommodate DB. 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 previously existed on the site.

The scheme delivers an employment led mixed-use development that will enable projected employment generation of about 4,300 people, compared to approximately 790 in the previously existing buildings. It is noted that many businesses within the financial services sector operate at higher densities and a rate of one person per 8 sq.m NIA would result in approximately 6,450 new office employees.

As part of the proposed development, the east building (fronting Moorfields) will be extended westward to provide larger floorplates to accommodate trading floors. The east building will vary in height between 8 and 16 storeys (including mezzanine 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) will be reduced in height from 8 storeys (51.95m AOD) to 3 storeys above podium level (37.95m AOD).

Prior to the commencement of development under the 2015 Permission, the site had been largely underused 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 will complement the core business function of the City by taking advantage of the substantial public transport improvements created by Crossrail.

It will 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). The proposed development will also provide public realm improvements, in the form of a public amenity space. In addition, the proposals will deliver other substantial benefits to the public, including a new city walkway, two new publicly accessible lifts on



Moor Lane and Fore Street Avenue and a publicly accessible escalator and stairs from Moorgate Station and the Western Ticket hall of the Liverpool Street Elizabeth Line station to the Barbican.

There is currently only one lift available to the public to access Moorgate Station from the Barbican City Walkway, on Silk Street, with the primary pedestrian and accessible route through CityPoint square and onto Moorfields. There is a second City Walkway lift next to Moor House. In addition, the new lifts associated with the 21 Moorfields will be 'Roll on roll off', maintained at the expense of the developer.

Whilst the design has been developed having regard to its impact on rights of light, some impact is inevitable, and without the proposed height and mass the building would not be able to accommodate DB and its requirements as stipulated in the agreement for lease. The cutback drawings attached to this letter show the extent of the changes that would need to be made to prevent infringement on properties with potential injunctable rights, where agreements have not been completed.

In its consideration of the planning application for the current scheme, 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 Point2 as our rights of light surveyors in 2012 in respect of the redevelopment of 21 Moorfields. Point2 have remained instructed as the design and massing of the development has progressed in order to identify the impact of the proposed development on neighbouring properties.

By 2014, following the resolution of the optimum design, we had contacted the majority of owners who could pursue an injunction preventing the development from proceeding. Since 2014 we continued to seek agreement with the parties affected by the proposed development. To date Landsec has completed thirty six rights of light agreements with those owners that would hold potential injunctable rights of light claims in respect of the development. Specifically, seven of the fifteen rights of light deeds with owners of commercial property have been completed, as well as twenty nine of forty nine deeds with owners of residential property.

However, both legal and remaining commercial negotiations with other affected parties are proceeding slowly. These include parties that were first contacted in 2014 and two affected properties where the owners are individuals or companies located overseas. The attached schedule lists the various affected properties and the status of the negotiations. Further details of these negotiations can be supplied on request.

Whilst we will, of course, continue to negotiate, it is clear that, despite prolonged and intensive effort on the part of Point2 and Landsec, coupled with letters of encouragement from the City, there is no realistic prospect that agreement will be reached and binding deeds of release entered into with all those owners that would hold potential injunctable rights of light claims in respect of the development in time to enable the developer to proceed with the above grade development works in 2018 so as to enable completion during 2021, for fit out and occupation by DB by the end of 2023, in line with DB's requirements as set out below.

As set out above, we entered into an agreement for lease with DB which is conditional upon planning permission being granted and expiry of the six week judicial review period. At the point of the deal becoming unconditional, we need to have greater certainty that the DB scheme can be delivered in accordance with the programme in the agreement for lease. Any remaining risk of there being an adjoining owner with an injunctable position impacts upon the timing and certainty of that delivery





Our agreement with London Underground (who own the freehold of the site) enables us to drawdown a long-leasehold interest by way of one or two new headleases and permits the transfer of the headlease(s) to the City so as to enable the engagement of section 203. However, this is not a development where construction of the development under the current scheme can be undertaken prior to resolution of rights of light issues for the following principal reasons:

- 1) DB has entered into an agreement for lease in relation to its occupation of the site which is conditional on receipt of an unchallengeable satisfactory planning permission for the current scheme being granted and practical completion of the building and delivery of the new highwalk must take place by the end of 2021 to enable occupation by DB towards the end of 2023. In order to achieve this, we will need to start procuring materials at significant cost during August 2018. 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 ensure delivery in accordance with this timetable, it is necessary that we can be certain at this stage that section 203 will be engaged once the headlease has been drawn down.
- 2) Whilst there remains a risk of an injunction being brought that is not capable of being settled by the payment of damages, the worst case scenario is that we cannot deliver the DB scheme in accordance with the agreement for lease at all.
- 3) Our understanding is that section 203 still requires the authorisation of both the Planning Committee and then the Court of Common Council. The two next available Planning Committee and Court meeting dates are 10 July and 19 July 2018 respectively. After any authorisation it will be necessary to enter into the relevant documentation. Any later date may well mean that there is no commitment to the use of section 203 until later into 2018, which would jeopardise our current programme.

In considering whether to use section 203 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 2016 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 203 in this case given the strategic location and the constraints on developing this site.
2. Policy 4.3 (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 63,008 sqm (GEA) of new Grade A office floorspace, which equates to 41,662 sqm (GEA) 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).

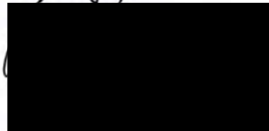
4. The City's "Vision and Strategic Objectives" sets out that the challenge the City faces is to increase and improve the quality of office stock to meet future business needs and that a good supply of high quality, modern and sustainable office accommodation is required. The City's Vision is that the 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 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 203 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 encouraging the assembly and development of large sites to meet the accommodation needs of the City's biggest occupiers including large trading floors such as those required by DB;
  - 5.4 encouraging the supply of a range of high quality office accommodation to meet the varied needs of City office occupiers; and
  - 5.5 notwithstanding Brexit, promoting inward investment and encouraging developers and businesses to invest and locate in the UK and in particular in the City.
6. The development will provide significant public benefits such as the provision of a new re-instated city walkway route which will also provide a more direct, wider and higher quality access from the station below to the Barbican and associated cultural attractions, highwalk, public lifts (including roll on-roll off disabled access); stairs; public escalators; public open space and greening all to be maintained by the Developer. In this regard the proposals accord with the principles of the City Plan's design and public realm policies; and in particular, Policy CS5, 'The North of the City' which seeks to secure effective and efficient pedestrian and cycle flows including for disabled people within and through the north of the City and around Moorgate. The proposals also comply with Policy DM19.2 'Biodiversity and urban greening' which states that developments should promote biodiversity and contribute to urban greening by incorporating green roofs and walls, soft landscaping, trees and other greening measures.

In light of the above we would ask the City to consider acquiring an interest in the site of 21 Moorfields for the planning purpose of the Development to enable the operation of section 203 of the Housing and Planning Act 2016. It is critical that practical completion of the building is delivered by the end of 2021 to allow occupation by DB towards the end of 2023 and in order to ensure that this is achieved, a commitment from the City to use section 203 at the Court of Common Council meeting on 19 July 2018 is in our view necessary, so as to support the likely timescale required to agree the documentation for section 203.



If the City is willing to contemplate the use of section 203 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,



On behalf of LS 21 Moorfields Limited

cc: Simon McGinn – City of London

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<b>Committee(s):</b>	<b>Dated:</b>
Planning & Transportation Committee	<b>8 October 2018</b>
<b>Subject:</b> Site visits for Members in relation to planning applications	<b>Public</b>
<b>Report of:</b> Chief Planning Officer	<b>For Decision</b>

## Summary

Members have expressed a wish to have site visits in relation to planning applications on the Committee Agenda. This report seeks your views as to whether they are to be in relation to all planning applications or certain classes of applications and how these are to be organised.

## Recommendation

It is recommended that a site visit is offered for Major Applications and other applications where the impact can only be considered from a non-public place. That this is trialled for three months to assess its popularity and to see whether alterations need to be made to the proposed system for organising the visits.

## Main Report

### Background

1. Over the last year Members have expressed the wish for site visits to be arranged, either accompanied by officers only or in some cases with the applicant. Before this, Members visited sites unaccompanied if they considered a site visit was useful.

### Current Position

2. The planning applications that come before Committee are very varied in scale from large redevelopment proposals to rear extensions or to alterations to buildings which impact on the amenity of residential or commercial occupiers leading to objections and thereby a need for Committee consideration.
3. Some of the schemes can be reviewed from the adjoining streets whilst others need access to the site and/or adjoining premises to see the impact of the proposals.

### Variables for consideration

4. There are a number of matters to be considered
  - a. Both Members' and officers' availability.
  - b. Should a visit be offered for all application sites?
  - c. Should a visit be arranged only for major developments?



- d. Should a visit be arranged where objectors have sighted particular concerns which cannot be viewed from public places?
  - e. Should the applicant be asked to attend and if so, in what circumstances?
  - f. Should the objectors be asked to attend and if so, in what circumstances?
5. If there were a number of sites spread across the City on a Committee agenda, this would necessitate Members and officers being available and Members getting from one to the other. This could take considerable time. How should this be facilitated?
- 6.

### **Recommendations**

7. Subject to how Members respond to paragraphs 4 and 5, it is recommended:
- a) A site visit is offered for Major Applications and
  - b) Other applications where the impact can only be considered from a non-public place.
  - c) The visit(s) would take place in a fixed slot starting at 9am four working days before Committee, this is typically a Thursday when the Committee is on the following Tuesday.
  - d) If there is more than one site to visit time slots will be provided.
  - e) The appropriate officers will be available to answer questions.
  - f) These visits would not normally be accompanied by the applicant or objectors except for the purpose of gaining access.
  - g) Members should advise by 2pm on the day before the proposed site visit if they wish to attend, (if more than one, which ones) using a dedicated inbox.
  - h) This is trialled for three months to test its popularity and to see whether alterations need to be made to the arrangements.

Annie Hampson  
Chief Planning Officer and Development Director

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<b>Committee(s)</b>	<b>Dated:</b>
Planning & Transportation Committee	<b>8 October 2018</b>
<b>Subject:</b> Parking Enforcement: Permitted Loading & Unloading Durations	<b>Public</b>
<b>Report of:</b> Director of the Built Environment	<b>For Decision</b>
<b>Report Author:</b> Ian Hughes, Assistant Director (Highways)	

## Summary

For more than ten years, London's local authorities have used a common protocol that allows commercial vehicles 40mins to continuously load and unload on-street. This protocol was established by London Councils after extensive consultation with the freight industry, and has since been formally written into the City's Traffic Management orders.

However, tackling the causes of congestion remains a high corporate priority, and with the City's road network coming under increasing pressure from a variety of sources, a case can be made to review whether this protocol is still appropriate.

Changing the City's traffic orders would require a formal public consultation and could potentially put the City out of step with the rest of London, so it is recommended this issue be addressed as an early outcome of the City's Transport Strategy. In parallel, firm data will be sought and engagement undertaken with London Councils, our neighbouring authorities and the freight industry to establish the extent of the issue & the wider political context.

## Recommendation(s)

Members are recommended to agree:

- A review of the current 40min permitted loading & unloading period be undertaken as an early outcome of the Transport Strategy adoption process;
- Appropriate data capture, informal engagement with the freight industry and discussion with London Councils be undertaken to inform this review in the interim period.

## **Main Report**

### **Background**

1. Reducing the causes of congestion in Central London remains a high priority for all traffic authorities, and much has been done in recent years at a London-wide and local level to address this, from Congestion Charging and SCOOT traffic signal controls to permit schemes for street works and localised waiting & loading reviews.
2. In that context, it has been over 10 years since the standardised guidelines over the permitted periods for commercial vehicle loading & unloading were reviewed, and given the pressure on the City's road network, a case could now be made for a review of this regulatory scheme.
3. Commercial vehicles seeking to load & unload on-street in the City are permitted up to 40 mins to do so within the prescribed hours of the City's Controlled Parking Zone (from 7am to 7pm Monday to Friday and 7am to 11am on Saturdays). Outside these times, unlimited loading & unloading periods are allowed.
4. However, to qualify for this permitted duration, loading & unloading must be continuous, and the vehicle must not be standing in one of several places where loading & unloading (of any duration) is prohibited. This includes standing on the footway, on zig zags for pedestrian crossings and across dropped kerbs. There are also specific locations where loading & unloading is not allowed due to the safety or congestion impact the 'parked' vehicle would have, and in accordance with UK traffic sign regulations, these locations are indicated by short chevrons painted on the kerb and by sign plates at the roadside.
5. The 40min permitted period is specified within the City's Traffic Management Orders and is applied consistently across the Square Mile, regardless of the size or nature of the street. It was adopted by the City in 2007 as part of an initiative by London Councils' Transport & Environment Committee (TEC) to introduce a common approach to enforcement across the whole of London.
6. Although individual traffic authorities retain responsibility for their own parking enforcement operations, London Councils have traditionally taken the lead on setting pan-London parking enforcement standards, co-ordinating enforcement codes, the operation of Trace (the vehicle removal database) and the annual reporting process for PCN volumes & parking income.
7. London Councils' TEC considered it important to create a consistent approach for the freight industry and its drivers because the permitted period for loading & unloading does not have to be signed on-street, and inconsistencies between authorities could result in PCNs being issued to unwitting drivers unaware of local differences. In turn, given the emotive nature of the parking industry, local authorities could otherwise be accused of creating a patchwork quilt of rules and regulations knowingly designed to entrap drivers into committing contraventions and thereby generating parking income.

8. Prior to 2007, most authorities in London used a historic '11 o'clock rule' that dated back to when parking was still a criminalised issue enforced by the police. The '11 o'clock rule' allowed unlimited loading & unloading before 11am, but only 20mins after, which encouraged lengthy deliveries to be made when traffic flows were at their highest.
9. In 2007, London Councils' TEC sought to address this and consulted with London's traffic authorities, the Central London Partnership, the Freight Transport Association (FTA), the Road Haulage Association and TfL's Freight Unit (amongst others). As a result, it recommended a new 40min period be allowed throughout the day which was thought to better balance the issues of traffic & congestion with the needs of the freight sector. In particular, the FTA suggested the majority of deliveries could be completed in that time.
10. Deliveries that typically take longer than 40mins (eg construction, removals and breweries) are currently managed through a dispensation system that allows an extension in time, provided the need, the location and the timing are thought appropriate. Applications must be made in advance to DBE and incur a fee to cover staff costs, but some companies choose not to apply and therefore run the risk of still receiving a PCN.
11. Most 'dispensations' in the City are issued to construction sites, but each application is considered on its merits by City officers. The impact on traffic is typically the key consideration, but some uses like shredding are not considered legitimate because, in this case, shredding itself is not seen to be loading.

### **Current Position**

12. There is a perception that vehicles loading & unloading (regardless of duration) contribute to congestion, and that the 40min window is too generous given today's traffic constraints and reduced network capacity.
13. However, freight deliveries remain a key part of the City's economy, supporting the needs of residents, offices and the retail, tourist & construction industries. Introducing measures that impact the freight industry may add additional cost, have consequences in terms of their ability to service City stakeholders and could affect the attractiveness of the City as a place to live, work and visit.
14. There has been little data analysis in the last ten years to assess the proportion of vehicles taking different amounts of time to deliver, nor their disruptive impact when 'parked'. In the City, the only information currently available is from Penalty Charge Notices, with around 400 PCNs issued last year for vehicles loading & unloading for more than 40mins without a dispensation. This represents less than 1% of the total number of PCNs issued, with some of the most frequent recipients being shredding companies.
15. Finally, it should also be noted that the nature of the freight industry means that issuing PCNs for loading contraventions does not necessarily change behaviour. Many companies pass on the cost of PCNs through their supply chain, making individual drivers less concerned about avoiding parking tickets and more

interested in parking where it's most convenient. As a result, PCNs are a blunt enforcement tool that can only encourage (but not guarantee) compliance.

## **Options**

16. Given that the 40min period is defined within the City's Traffic Management Orders, any change to that period will require formal public consultation. In addition, moving away from the 40min period could potentially put the City out of step with the rest of London and undermine London Councils' key argument for consistency of enforcement across London. However, this might also facilitate the first debate in ten years over whether Central or Greater London can continue to accommodate a 40min delivery window.

## Do Nothing

17. So far, initial discussions with officer colleagues at London Councils would suggest the 40min period is not necessarily considered to be a major issue elsewhere, and so this is not being actively reviewed. Therefore the 'Do Nothing' option would retain the status quo in line with the current pan-London approach. However, this would not meet the corporate priority of considering any reasonable measure to help reduce congestion, and so is not recommended.

## Commence a public consultation now

18. It would be possible to commence a public consultation on changing the 40min period in the coming months, but it might be unwise to do so without some data to support the discussion and without political engagement with London Councils first. If the proposal is to review the 40min period, that data would be needed to help propose alternatives for consideration, and political engagement would be needed to understand whether there was a broader desire for change, or whether the City's decision would have to be taken unilaterally.
19. Setting a review in the context of the new Transport Strategy would seem to be more appropriate as this would firmly connect the issue to the wider debate on congestion reduction, changing behaviour & business practices within the freight sector. With the Transport Strategy considering the overall future of traffic and transport in the City, reviewing the 40min period would complement the review of wider freight measures such as retiming, consolidating & reducing the overall amount of traffic on our streets. This would also limit the opportunity to perceive the City as acting unilaterally to change enforcement protocols to penalise what is currently legitimate freight activity in order to generate income.
20. Finally, with the focus currently on public engagement over the wider Transport Strategy, the resources available to undertake a further public consultation on what would be a major change to the City's traffic orders are currently limited. However, as the Strategy moves to adoption, resources to deliver this would become available.

## Plan a review & public consultation aligned with the Transport Strategy adoption

21. In order to reiterate that a review of the 40min duration should be considered in the context of the Transport Strategy's overall review of freight, a public consultation exercise could be planned in the Spring of 2019 as an initial response to the adoption of the Transport Strategy. This would also be at a time when resources become available to start to implement the ambitions contained within the Strategy.
22. In the intervening period, data could be gathered on the nature of freight deliveries in the City at the moment, discussions with the freight industry could begin on the impact any change might have, and a measured political engagement process could be arranged with London Councils' TEC and other Central London authorities to consider the wider consequences.
23. In that context, the Transport Strategy's focus on freight will seek to address some of the current & near future issues related to the way in which the City's streets are used by the freight sector. To enable the City's streets to function effectively, cleanly and safely, new approaches may be required that seek to incentivise consolidation, promote zero emission vehicles and drive smarter uses of the road network at different times of the day, with timed restrictions on freight deliveries potentially appropriate for future consideration.
24. It is therefore recommended that the 40min duration should be considered as one aspect of this new thinking. Officers will be setting out how these various complementary measures can be brought forward for Members' consideration at the earliest opportunity, so the 40min review should be concluded as part of that work rather than as a stand-alone objective.

## **Proposals**

25. The timescale for the Transport Strategy suggests it will be ready for adoption early next year, so it is therefore proposed to consider re-examining the permitted window for loading & unloading as one of the Strategy's early outcomes in the Spring of 2019.
26. In the meantime, a number of steps could be taken in parallel to the Transport Strategy being drafted and adopted, namely:
  - Engagement with London Councils and their Transport & Environment Committee to understand the consequences of such a decision at a pan-London level, and whether this ambition might be welcomed by other authorities.
  - Engagement with the freight industry to re-examine their delivery needs in Central London.
  - Undertake data capture, surveys & analysis of loading behaviour of freight traffic in the City to ensure any future decision has a sufficient evidence base.

## **Corporate & Strategic Implications**

27. The City's parking regulations are designed to balance road safety and traffic flow priorities with the need to facilitate essential on-street activity to support the Square Mile's business, residential and visitor communities. Therefore, measures aimed at increasing compliance with these controls may help support the high corporate priority of reducing the impact of traffic congestion. However, the statutory process of public consultation and engagement will help determine any wider consequences of this change.

## **Conclusion**

28. In 2007, there were clear benefits to London Councils establishing a consistent London-wide permitted period for commercial vehicles to continuously load and unload, particularly given the emotive nature of parking enforcement. However, with the upcoming strategic Transport Strategy taking a fresh look at freight and congestion, a review of the current arrangements, both for the City and for London as a whole, is worthy of further investigation.

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<b>Committee(s)</b>	<b>Dated:</b>
Resource Allocation Sub Committee – For decision Planning & Transportation Committee – For decision Police Committee – For information	<b>4 October 2018</b> <b>8 October 2018</b> <b>1 November 2018</b>
<b>Subject:</b> Congestion Mitigation: Parking, Traffic & Cycling Enforcement Resources	<b>Public</b>
<b>Report of:</b> Director of the Built Environment	<b>For Decision</b>
<b>Report Author:</b> Ian Hughes, Assistant Director (Highways)	

## Summary

Tackling congestion and its causes & reducing road danger remain high corporate and political priorities.

To that end, this report recommends retaining the additional daytime parking enforcement resources that were agreed & recruited in 2017 to focus on congestion issues. These resources have since been effectively deployed by the City's Parking Enforcement contractor (Indigo) and have more than covered their additional cost.

It is also proposed to supplement these resources with further Indigo officers in the evening, and reinvest in new technology to enhance the parking enforcement service as a whole. Funding for these changes would again be allocated from the On-Street Parking Account (OSPA) and would be covered by the parking income that results from additional Penalty Charge Notices.

This report also recommends funding from the OSPA be set aside to allow the introduction of three new City Corporation Traffic & Congestion Officers, whose role would be specifically aimed at identifying and resolving congestion hotspots on the ground. Through a new City Police accreditation system, they would also have the authority to stop & direct traffic, as well as deal with minor police enforcement duties such as cycling on the footway or cycling through red lights.

Taken together, these measures would help address the overall causes of congestion and reduce road danger, thereby improving the effectiveness and safety of the City's road network.

## **Recommendation(s)**

Members of the **Resource Allocation Sub Committee** are recommended to:

- Approve continued funding of £203k pa from the OSPA for additional Civil Enforcement Officers to focus on parking-related congestion across the City for the remainder of Indigo's contract (February 2021);
- Allocate funding of £54k pa from the OSPA to enhance the parking enforcement service through additional Indigo evening resources (also until February 2021);
- Allocate funding of £165k pa from the OSPA for three City Corporation Traffic & Congestion Officers for an initial two-year period.

Members of the **Planning & Transportation Committee** are recommended to:

- Approve the supplementary parking enforcement measures outlined in this report;
- Approve the introduction of three City Corporation Traffic & Congestion Officers for an initial two-year period to be focused on congestion and road safety issues.

## **Main Report**

### **Background**

1. Concerns regarding traffic congestion remain a high corporate priority, and have led to a number of measures being introduced to address congestion & its causes. This includes the area of parking enforcement, where the Resource Allocation Sub Committee agreed an additional £203k in 2017 to allow the City's contractor (Indigo) to increase the number of Civil Enforcement Officers by seven.
2. This increase in resource (implemented via an adjustment to DBE's local risk budget from the On-Street Parking Account) allowed Indigo to focus on vehicles causing serious congestion in hot spot areas without compromising their existing parking enforcement coverage.
3. This was felt particularly important given the decision by Government in 2015 to narrow the ability of local authorities to use CCTV to enforce various waiting & loading contraventions. This reduced Indigo's effectiveness and required more on-foot resources to compensate, with the visible deterrent of a CEO offsetting the disincentive effect of receiving a PCN in the post.



## **Current Position**

4. In the first 12 months of deployment to April 2018, these extra resources were specifically deployed to congestion hotspots where vehicles parking in contravention were thought to be a major contributory factor. These CEOs were mainly deployed in the central part of the City, and although PCN-issue rates are an imperfect way of measuring compliance, these additional CEOs have together issued more than 40 PCNs per day without detracting from the numbers issued by the existing CEO establishment level.
5. If anything, the rate of PCNs being issued by these new congestion-focused CEOs is slightly higher than normal, suggesting that where the restrictions allow, vehicles that park in contravention are being rigorously enforced to help reduce the causes of congestion. The anticipated income from these PCNs (c. £800k) is also clearly sufficient to offset their salary cost (£203k).
6. However, issuing PCNs is often an imperfect way to deter illegal parking because the cost of a PCN can often be transferred through the supply chain, leaving the individual driver without an incentive to park legally. With that in mind, we have asked the CEOs to focus on 'moving on' vehicles as much as enforcing the restrictions, with the result that these CEOs have also moved on one vehicle for every two PCNs issued.
7. Given these outcomes, it's therefore suggested that these additional resources continue, and the income generated should be used to support further measures to tackle congestion and road safety through the use of new technology and new legislative powers.

## **Options**

### Indigo's Civil Enforcement Officers

8. The additional CEOs were only recruited with specific funding set aside for 2017/18, but it was noted to Resource Allocation Sub Committee that their effectiveness & on-going need would be reviewed, taking into account the additional parking income they generated to offset the cost.
9. At this point in time, the political priority to address congestion and its causes remains high. Financially these additional CEOs have more than generated sufficient income from Penalty Charge Notices to cover their costs, and it is clear they have made a positive contribution to addressing congestion in the City, particularly in light of the Government's restrictions on the use of CCTV.
10. Therefore, with a contract extension to February 2021 recently agreed, it would seem appropriate to extend the duration of Indigo's additional deployment until that time. This would create certainty for Indigo in terms of managing their resources, turnover & training for the next 2½ years, and meet a political & operational necessity that remains likely to last throughout this period.

## Parking Enforcement Service Enhancements

11. In addition to the current service, Indigo were asked what other measures might be available to reduce congestion, improve compliance and increase the efficiency of their resource deployment.

12. As a result, Indigo have proposed three specific initiatives, namely:

- Additional Evening Enforcement  
At the moment, Indigo typically have a limited early evening shift deployed between 7pm and 11pm, but recent data has shown that traffic flows are starting to increase over this period, potentially due to retiming of deliveries & the growing night time economy. As a result, it is recommended that Indigo increase their staffing resource over this period by an additional two CEOs.
- Automatic Number Plate Reading technology  
Indigo have proposed introducing an ANPR 'spotter' vehicle to help detect vehicles parked in contravention, speeding up some enforcement aspects over a wider area that in turn will help tackle congestion through increased compliance.
- Improving business intelligence.  
Indigo have proposed introducing a new data analytics system to provide heat maps, customised dashboards and predictive analysis to monitor on-street activity and focus deployment on congestion hotspot areas.

## Traffic & Congestion Officers

13. DBE currently has just one officer within the Highways team dedicated to monitoring congestion in the Square Mile. They largely use the CCTV network to identify congestion hotspots & their causes, and they look to find ways to resolve them. That can often include:

- Liaison with Transport for London for:
  - traffic signal failures & timing adjustments;
  - bus breakdowns and service-related issues;
  - Red Route problems;
  - Liaison with TfL's Road Traffic Enforcement Officers
- Acting as a 'spotter' for Indigo's rapid response team to investigate parked vehicles causing congestion;
- Recommending changes to the activities of utilities, building sites and City contractors to reduce their respective impact;
- Assessing the viability & performance of diversion routes for major road closures on behalf of the Traffic Management team;

- Reporting the impact of accidents, breakdowns & collisions to senior officers;
  - Issuing alerts on social media to publicise issues in real time;
  - Compiling data on regular hotspots to inform more strategic assessment;
  - Assessing the reliability of different types of public information Traffic 'Apps' given that some are considerably more reliable than others.
14. This single office-based post is almost wholly reliant on the location & availability of the City's CCTV cameras, and whilst they have become a valuable resource, their effectiveness has also been limited by a lack of cover during annual leave and the limited potential for assessing & resolving problems on the ground.
15. It is therefore proposed to expand this function to a team of four, firstly to provide more coverage across more hours of the day, but just as importantly to provide a dedicated on-street presence focused on congestion management in parallel to CCTV monitoring.
16. These new officers would be appropriately trained and authorised to immediately suspend particular types of activity on-street (if necessary & safe to do so), assist with incident management like emergency road closures, and help identify & resolve congestion hotspots & issues.
17. It is also intended that these new officers would have Community Safety Accreditation Scheme (CSAS) authorisation to stop & direct traffic if required. The concept of CSAS accreditation was established by the Police Reform Act 2002 which enables the Commissioner of Police to accredit organisations to provide traffic management, community safety and security functions more normally associated with the police.
18. CSAS authorisation requires enhanced training standards, accountability procedures and vetting (see Appendix 1), but it has been successfully operated by the Metropolitan Police & many other police forces for some time. The City Police have recently proposed its adoption within the Square Mile, so that CSAS authorisation could be available to the City Corporation early in the new year.
19. It is proposed that these new Traffic & Congestion Officers would be granted limited but targeted powers appropriate to their role in order to meet local needs and priorities. Although CSAS is a police authorisation process, it is not intended for the police to control the activity of those using these powers, allowing the City Corporation to direct these officers to address some of the causes & consequences of congestion.
20. CSAS authorisation can also include other minor police enforcement duties with a traffic management & community safety aspect, such as cycling on the footway, cycling through red lights and managing traffic for major special events & parades. Such powers could allow these City Corporation officers to focus on

road danger issues that are typically a lower priority for the City Police but are still a significant road safety issue to the City Corporation. It could also allow accredited stewarding companies to fully manage events, including the Lord Mayor's Show, thereby freeing up police resources to focus on the higher priority aspects of policing the Square Mile.

## Proposals

21. It is therefore proposed to:

- Continue funding for Indigo's additional daytime enforcement resources to the end of their contract in February 2021;
- Enhance the services provided by Indigo through additional evening enforcement resources, ANPR technology and data analytics (also to February 2021);
- Introduce three new City Corporation Traffic & Congestion Officers with CSAS powers to focus on tackling congestion and road safety issues. It is proposed to establish these posts for two years, at which point their effectiveness, on-going funding and outcome delivery would be reviewed before continuing their deployment.

22. The following table details the respective annual cost of these four measures.

<b>Proposed OSPA Allocations</b>	<b>£k</b>
Continued daytime Indigo Civil Enforcement Officers (7no.)	203
Additional evening Indigo Civil Enforcement Officers (2no.)	54
Indigo Parking Enforcement Service Enhancements	Nil
Additional City Corporation Traffic & Congestion Officers (3no.)	165
<b>Total</b>	<b>422</b>

23. Although the proposed evening Indigo resources and the City's Traffic & Congestion officers can both accrue additional income (through issuing PCNs and Fixed Penalty Notices respectively), funding to cover all these measures can be met by the PCN income (c £800k pa) from Indigo's continued daytime resources. The cost of Indigo's other proposed service enhancements will be absorbed through complementary savings secured through their contract extension negotiations.

## Corporate & Strategic Implications

24. Reducing the impact of traffic congestion on the City's road network remains a high corporate and political priority that these continued & additional resources for Indigo will help deliver. Their presence will improve compliance with the City's parking regulations that support road safety and traffic flow priorities.

25. Their deployment will also result in sufficient income to cover both their own cost and the cost of introducing Traffic & Congestion officers, thereby having no detrimental impact on the On-Street Parking Account.

26. The introduction of Traffic & Congestion officers with CSAS authority will provide focused resources to address a number of road danger issues that also remain a high corporate and political priority. Providing them through the City Corporation should also release City Police resources for them to focus on matters of higher policing priority.

## **Conclusion**

27. Taken together, these various measures are intended to help address the overall causes of congestion and reduce road danger, thereby improving the effectiveness and safety of the City's road network. In particular, the introduction of CSAS authorisation by the City Police provides a significant opportunity to extend the City's public engagement role and help address a number of on-going road safety concerns.

## **Appendices**

### **Appendix 1 – CSAS Powers: Additional information**

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## **Appendix 1 - Community Safety Accreditation Scheme: Additional Information**

- Section 40 of the Police Reform Act 2002 allows Chief Officers in England & Wales (only) to accredit organisations in the geographical area covered by the force.
- Only six police forces are currently not accrediting organisations in this way, including the City of London Police.
- The National Police Chiefs Council (NPCC) coordinates the function but governance in London is through the Mayor of London.
- Police Crime Prevention Initiative (Police CPI Ltd) has a membership of Chief Constables and oversees the scheme rules, set standards and undertakes assessments.
- The Met Police are the national lead on the scheme and are currently working towards one national database of CSAS officers.
- Any employed person over 18 years who is not a police officer can be given powers.
- CSAS accredited organisations must have a formal complaints procedure, be “fit & proper”, have appropriate insurance, be financially viable, have a staff code of conduct and training & recruitment policy.
- The authorisation process requires the applicant organisation to apply to the City of London Police who assess the application and submit a report to the Police CPI Ltd.
- Individual CSAS officers must go through level 2 vetting, ideally at time of recruitment or before appointment as not everyone passes the vetting process (searches also include family members).
- Accreditation is usually for 1 year initially and then 3 years. Fees apply for private companies £1,400+VAT and then annual fee of £900, but these are usually waived by the Police for local authorities.
- Training curriculum is approved by NPCC and is usually a week-long course covering legislation, communications skill, conflict management, PACE, use of powers and statement writing. There are around ten companies who are currently qualified to provide this training.
- For CSAS officers directly employed by the local authority, a senior officer must approve their appointment and a record must be kept of every time their powers are used.
- There are around 40 specific powers that could be authorised under CSAS, but the most commonly used ones are typically:

- the ability to demand name and address (although if a person refuses the police will need to be called);
  - issuing of Fixed Penalty Notices for cycling offences;
  - stopping and directing of traffic (including traffic holds);
  - various Anti-Social Behaviour issues.
- CSAS officers are issued with a type of warrant card, including photographic ID.
- Although there is no statutory obligation to publicise the fact that CSAS has been adopted, it is recommended that a robust and comprehensive communication strategy is in place first.
- To ensure consistency across the whole of the City Corporation (as CSAS powers may be adopted by other departments for other uses), a dedicated person is likely to be appointed to oversee the scheme.
- The City Police will be entering into an agreement with the Met Police to use their resources for overseeing the scheme from a policing perspective.
- The final recommendation to adopt CSAS is expected to be made to the City Police Commissioner in October, so the various powers are likely to be available for adoption early in 2019.

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<b>Committee(s):</b> Planning and Transportation Committee	<b>Date(s):</b> 8 October 2018
<b>Subject:</b> Green Initiatives in the City	<b>Public</b>
<b>Report of:</b> Director of the Built Environment	<b>For Information</b>
<b>Report author:</b> John Harte, Planning Officer (Policy)	

## Summary

This report presents information on green initiatives in the City of London and outlines the results of a study into the use of a technique called Urban Greening Factor (UGF) as a means of delivering additional greening. It explains the rationale behind the Urban Greening Factor and how this will be used to deliver additional greening of development through the Local Plan and London Plan.

## Recommendation(s)

Members are recommended to:

- Note the green initiatives being undertaken in the City outlined in this report and the potential for further progress using the Urban Greening Factor (UGF).

## Main Report

1. This report has arisen from a Member request for further information on greening initiatives in Dowgate Ward. Specific data was provided regarding greenery in Dowgate Ward earlier in the year and this report provides a wider context. It provides information on initiatives City-wide, recognising that increased greening is an ambition across all wards.
2. The report also sets out developing policy work on Urban Greening Factors, which will provide the basis for requiring additional greening in and around new development through the Local Plan review.
3. The City has through the Local Plan actively encouraged the installation of green infrastructure such as green roofs, green walls, trees and amenity such as roof terraces, recognising that such infrastructure enhances biodiversity, reduces rainwater run-off, improves insulation, moderates the local climate and, if appropriately implemented and managed, makes buildings more attractive.

## Open Spaces

4. There are over 350 open spaces in the City, covering 32 hectares of which 25 hectares are public open space. A map of existing open spaces in the City is included in Appendix 1. These spaces include parks, gardens, churchyards and hard open spaces such as plazas and highway amenity areas. Most of the open spaces are small, with approximately 80% of sites less than 0.2 hectares in size and only 11% above half a hectare. Ground level space is at a premium in the City, so it is vital the provision of 'green roofs' and other green infrastructure is promoted alongside enhancements at street level. All these open spaces offer an important resource for biodiversity. Further information on biodiversity networks can be found in the [City of London Biodiversity Action Plan \(2016-2020\)](#). This report is available on the City Corporation's website at: <https://www.cityoflondon.gov.uk/things-to-do/green-spaces/city-gardens/wildlife-and-nature/Pages/biodiversity.aspx>.
5. Planning guidance in the Open Spaces Strategy Supplementary Planning Document sets out how the gardens and spaces in the City are protected and enhanced. The report prepared for the City of London Corporation by BOP Consulting 'Green Spaces: The Benefits for London' recognises the environmental, social, economic, physical, mental health and well-being benefits the spaces have in a dense urban area. This report is available on the City Corporation's website at: <https://www.cityoflondon.gov.uk/business/economic-research-and-information/research-publications/Documents/research-2013/Green-Spaces-The-Benefits-for-London.pdf>
6. The City Corporation publishes an annual Open Spaces Monitoring Report on its website at: <https://www.cityoflondon.gov.uk/services/environment-and-planning/planning/development-and-population-information/Documents/local-plan-monitoring-report-open-spaces-2017.pdf>. Also available online is the City of London Open Spaces Audit which focusses on spaces in the City, see <https://www.cityoflondon.gov.uk/services/environment-and-planning/planning/development-and-population-information/land-use/Documents/open-spaces-audit-2017.pdf>.
7. The City Corporation also maintains and manages 11,000 acres of green space beyond the City, including Hampstead Heath, Epping Forest and Highgate Wood. These form a green lung for the metropolis and a resource for Londoners and its wildlife.

## Trees

8. There are approximately 2,400 trees in the City of London and most City trees (62%) are in gardens rather than along streets. A map showing the distribution of trees across the City is included in Appendix 1. The Tree Strategy SPD provides information on planting new trees and work to existing trees. This report is available on the City Corporation's website at: <https://www.cityoflondon.gov.uk/services/environment-and-planning/planning/heritage-and-design/Pages/tree-strategy.aspx>. Some trees in the City are specifically protected through Tree Preservation Orders (TPOs), and the City Corporation is

required to be notified of works to trees in conservation areas. The range of trees in the Square Mile can be explored through the City of London Tree Trail which is available on the City Corporation's website at:

<https://www.cityoflondon.gov.uk/things-to-do/green-spaces/city-gardens/Documents/Tree-trail-City-of-London.pdf>.

## **Green Roofs**

9. Since the mid-1970s the creation of over 80 green roofs in the City has made it one of the densest clusters of green roofs in the country. From 2006 to 2018 the number of green roofs in the City increased from 11,000sq.m to 43,000sq.m, equivalent in area to six Wembley football pitches. A map of green roofs in the City is included in Appendix 1.
10. It is estimated that there will be a gain of 22,700sq.m in green roof space between 2018/19 and 2023/24 across 32 green roofs, potentially increasing the total green roof space in the City of London to 65,800sq.m by 2024. The City is therefore forecast to have in total 120 green roofs by this time.
11. The City of London has led on planning and delivering green roofs in London and was a winner in the category 'Excellence in Planning for the Natural Environment' at the RTPI National Awards for Planning Excellence 2017. Information on green roofs in the City is available on the City Corporation's website at:  
<https://www.cityoflondon.gov.uk/services/environment-and-planning/planning/development-and-population-information/Documents/local-plan-monitoring-report-green-roofs-2017.pdf>

## **Public Realm**

12. City Public Realm in the Department of the Built Environment have led the preparation of area strategies across the City, which provide the framework for specific enhancement schemes relating to open spaces, gardens and churchyards where provision is made to improve the public realm through trees and green spaces. Within the City of London Public Realm Technical Manual there is information on trees, planting and planter beds. The team have contributed to many enhancement projects including Aldgate Square, St Pancras Church Garden, St Andrew Holborn Churchyard, replacement of the coach park at St Paul's Churchyard and the on-site public garden at 2-6 Cannon Street.
13. A recent example is the Green Corridors Project which involved the planting of over 40 trees on the highway from 2011-2014. The Greening Cheapside Project was identified as an area in the City which had potential for further greening and re-landscaping. The project was developed with the support of the Cheapside Business Alliance (CBA) and the Diocese of London. The project proposes public realm enhancements in the area around St. Paul's tube station and 5 Cheapside to enhance greening and improve wayfinding and movement throughout the site.

## **Emerging Planning Policy**

14. The City's Local Plan 2015 is being reviewed and the new Local Plan will set out the out the City of London Corporation's vision, strategy and objectives for planning for the next 20 years, together with policies that will guide future decisions on planning applications. The draft City Plan 2036 will be brought to this Committee in late October for approval to publish for public consultation in late 2018 and subsequent public examination and adoption. The new Plan will include a section on green infrastructure.
15. The Mayor of London is currently reviewing the London Plan, which forms part of the development plan for the City alongside the City's Local Plan. The Mayor aims to make London at least 50% green by 2050 and has proposed a green infrastructure approach in the draft London Plan which recognises that green infrastructure needs to be planned, designed and managed in a more integrated way. The draft London Plan requires major development to consider greening as a fundamental element of site and building design and requires boroughs to use an Urban Greening Factor (UGF) concept to identify the appropriate amount of urban greening required in new development and to assess proposals against it.
16. The UGF scoring should be tailored to local circumstances, but in the interim the Mayor recommends a target score of 0.4 for developments that are predominately residential, and a target score of 0.3 for predominately commercial development. The London Plan is supported by a detailed research report 'Urban Greening Factor for London' prepared by The Ecology Consultancy/The Green Infrastructure Consultancy.

## **City of London Urban Greening Factor Study**

17. Consultants Green Infrastructure Consultancy were commissioned in February 2018 to provide advice to the City of London Corporation on the appropriate level of Urban Greening Factor to be applied to developments in the City of London and to inform the emerging Local Plan review.
18. Using London Plan criteria, the consultants examined the existing level of UGF for nine case studies in the City which included a range of development types and locations. The consultants then looked at what additional types of greening could be applied to developments in the City. Details of the UGF methodology are set out in the consultant's report which is available on the City Corporation's website at: <https://www.cityoflondon.gov.uk/services/environment-and-planning/planning/planning-policy/local-plan/Documents/urban-greening-factor-study.pdf>
19. The consultants have recommended that the City Corporation adopt a modified scoring scheme for the UGF from that used by the Mayor to further encourage tree planting and the establishment of high quality green roofs and green walls reflecting the specific circumstances of development in the City. UGF scores may be calculated for application sites, buildings and their ground-level curtilage or street-level public realm.

20. The study results suggest that the draft London Plan target of 0.3 would be a challenging and appropriate target for both commercial and residential developments in the City and would result in an increase in greening compared with recent developments. To achieve this increase, the provision of additional greenery and landscaping will need to be factored into the early stage of scheme design. The consultants noted there are issues associated with the external greening of taller buildings due to their exposed situation. Therefore, further consideration is being given to the applicability of the UGF tool to tall City buildings.
21. The UGF policy could be used as a planning tool for major developments and applicants would be expected to submit a UGF calculation and provide justification for levels of greening which fall below the minimum target. The UGF would be applied as a separate consideration to other certification or benchmarking methods designed to measure the sustainability or environmental performance of developments such as BREEAM.
22. The consultants were asked to consider the impact of the UGF on the viability of development. Although increased greening would add additional cost, this is considered to represent a relatively small proportion of the overall costs of the scheme. The UGF approach was part of the viability testing of the draft London Plan and was not considered to jeopardise overall viability.

### **Corporate & Strategic Implications**

23. Delivery of additional greening in the City will contribute towards meeting Outcome 11 of the Corporate Plan – *We have clean air, land and water and a thriving and sustainable natural environment* by providing a clean environment, green spaces, biodiversity and influence UK and global policy.

### **Conclusion**

24. The City Corporation has been active for a number of years in requiring development to provide additional building greening, encouraging the provision of green roofs and delivering greening directly through public realm enhancement schemes. The City Corporation commissioned a study into appropriate levels of greening through the implementation of an Urban Greening Factor. This study is informing green infrastructure policy work being undertaken as part of the Local Plan review.

### **Appendix**

Appendix 1 provides maps extracted from various Local Plan Monitoring Reports:

- Open Spaces
- Green Roofs
- Trees

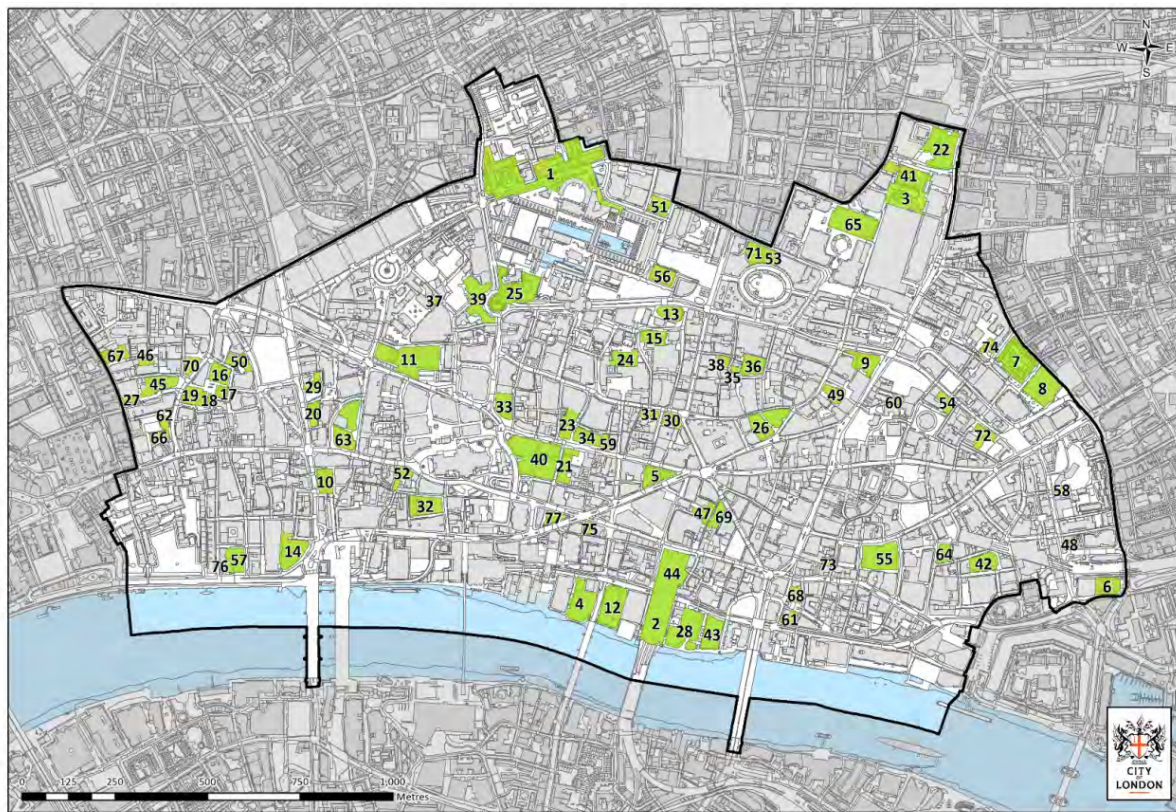
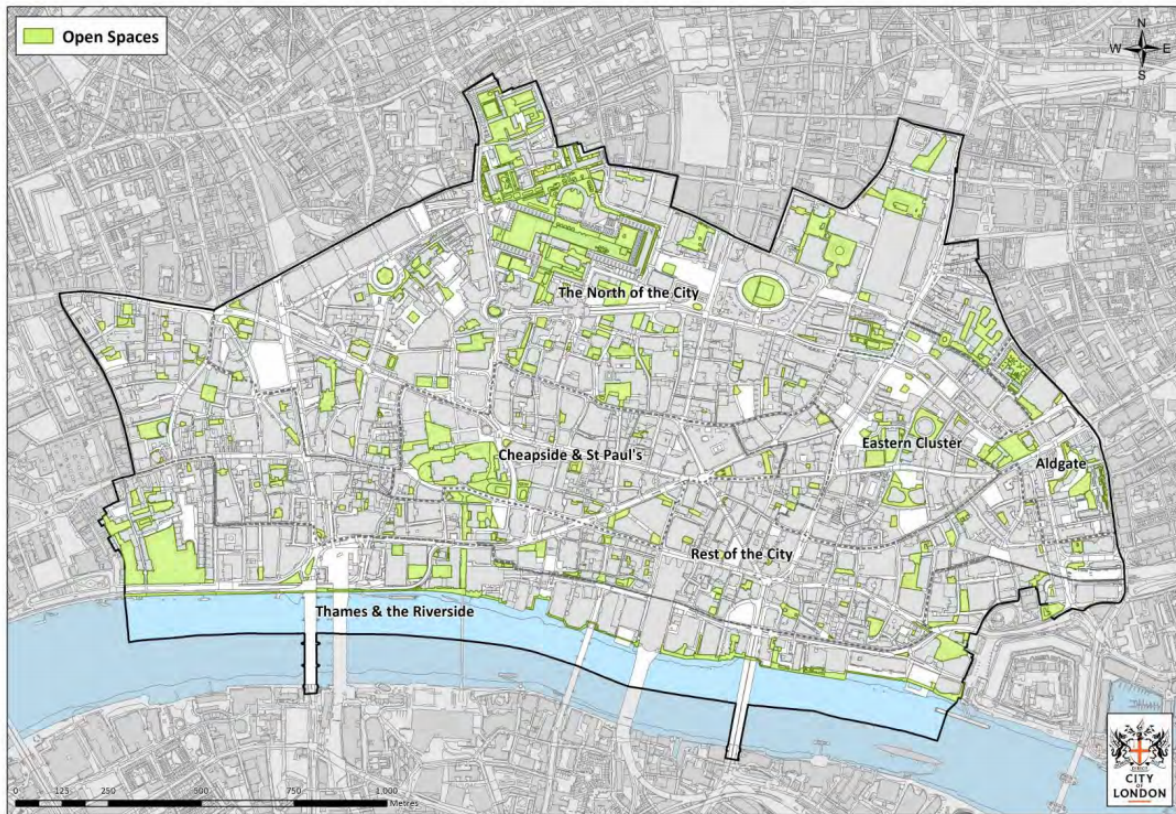
### **John Harte**

Planning Officer (Policy)

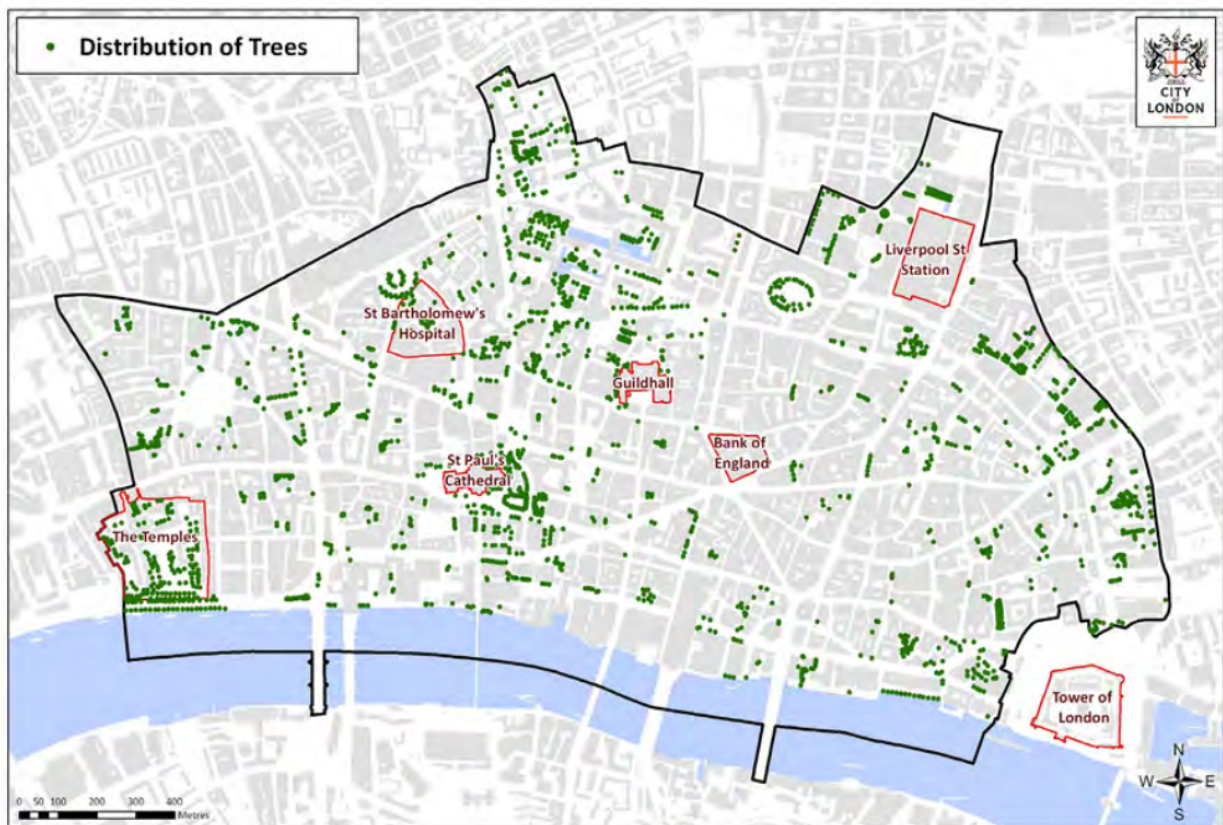
T: 020 7332 3547 E: [john.harte@cityoflondon.gov.uk](mailto:john.harte@cityoflondon.gov.uk)



## Appendix 1







Map 3: Distribution of trees across the City (as at 30<sup>th</sup> June 2010)

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## PLANNING AND TRANSPORTATION COMMITTEE – OUTSTANDING ACTIONS

Item	Date	Action	Officer responsible	To be completed/ progressed to next stage	Progress Update
1.	9 January 2018 23 January 2018 26 March 2018 8 May 2018 29 May 2018 10 July 2018 26 July 2018	<b>Ludgate Circus</b>  The Director of the Built Environment advised that an additional letter would be prepared as a matter of urgency, and gave her assurance that the issue would be treated as a priority.	Steve Presland	SP arranging meeting between senior TfL reps and Chairman and Deputy of P&T	<p>Completed – Letter sent on 9 January and circulated to Members on 10 January.</p> <p>Meeting between Chairman, Deputy Chairman and TfL representatives took place on Tuesday 23<sup>rd</sup> January to discuss this issue.</p> <p>The meeting between TfL and CoL safety officers to conduct H7S audit (informal) needs to take place prior to committee and the data exchange be completed.</p> <p>Data was exchanged, and CoL have provided written comments back to TfL on their data just before the Easter break. We would expect TfL to respond within the next two weeks.</p> <p>UPDATE: Following a further meeting with TfL in the</p>

					<p>following actions were agreed:</p> <ul style="list-style-type: none"> <li>• TfL Road Safety Auditor to produce collision 'stick diagrams' for the Ludgate Circus junction to identify any prominent accident types. This will only include the validated data (12 months at time of writing report, though an additional 2 months may now be available on ACCSTATS). The 'stick diagram' drawing will not include the additional 8 months of CoL data as there is not enough information included in the dataset to facilitate this being done.</li> <li>• CoL requested official TfL presence from Enforcement Team to assist in undertaking cycle behaviour training at the junction.</li> <li>• CoL highlighted that it would be beneficial to understand the number</li> </ul>
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					<p>of informal / formal movements being undertaken at the junction and by what mode e.g. pedestrian, cycle, car. This will require surveys being conducted on the Ludgate Circus junction. Furthermore, as there is no data prior to the construction of this junction a secondary junction of similar nature will be required to be surveyed to provide a comparison. TfL to investigate practicality and cost of surveys and report back.</p> <ul style="list-style-type: none"> <li>• Further meeting to be scheduled in December following installation of cycle SCOOT, review of junction timings and completion of 'stick diagrams'.</li> </ul> <p>Officers have not been able to confirm progress with TfL on their actions to date. Further meeting scheduled for December 2018.</p>
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2.	9 January 2018 23 January 2018 20 February 2018 26 March 2018 8 May 2019 29 May 2018 10 July 2018 26 July 2018	<b>Lane Rental</b>  In response to a question concerning 'lane rental', officers advised that the Government was currently consulting on this initiative and undertook to report back to the Committee following the outcome of this.	Ian Hughes	DECEMBER COMMITTEE	The consultation has now closed and DfT are analysing the feedback. As a minimum, they will need to publicise a decision before the current Lane Rental trials with TfL and Kent County Council expire in March 2019.  UPDATE: DfT have now published their guidance on such schemes – Officers to report in Dec on the implications.
3.	9 January 2018 20 February 2018 26 March 2018 8 May 2019 29 May 2018 10 July 2018 26 July 2018	<b>'Green' Initiative</b>  A Member for Dowgate Ward reported that 'green' initiatives were a priority for his ward and asked if a report detailing these could be brought to a future meeting.  The Director of the Built Environment suggested that this could be done by way of an annual report as many of the initiatives came under the remit of other Committees.	Paul Beckett	ONGOING	Initial response email sent 25/01/2018. Existing 'green' monitoring reports are being reviewed for Dowgate-specific material. Investigating the scope for an annual 'green' report contributed to by several departments. Review of 2017/18 could be prepared in mid-2018  Consultant preparing a report on potential green initiatives which will be reported 11 Sept committee.
4.	9 January 2018 20 February 2018 26 March 2018	<b>Blackfriars Bridge Underpass</b>	Steve Presland		A detailed response was sent to the Member on 09/01/2018.

	<p>29 May 2018 10 July 2018 26 July 2018</p>	<p>A Member expressed concern regarding the poor state of the underpass at Blackfriars Bridge and asked who was responsible for the cleaning and maintenance of it.</p> <p>Officers advised that there were overlapping responsibilities between the CoL and TfL and discussions were taking place with TfL to address the problem.</p> <p>A Member questioned why Transport for London were reluctant to allow the CoL Corporation to take over responsibility for the underpass and asked if officers had engaged at a senior level.</p> <p>Members expressed concern at the state of the underpass and the fact that people were likely to try and cross the road as an alternative to using it which was extremely dangerous.</p>			<p>The City are Monitoring it, increasing inspections, scheduled and adhoc cleaning as required is now in place.</p> <p>Put a request in with TfL with a view to arranging a site meeting to agree an allocate clear responsibilities and explore CoL taking over TfL responsibilities. Officers undertook to report back on the options available.</p> <p>Members noted Officers had reached an agreement with TfL who had agreed to replace the tiles in the Blackfriars Bridge underpass and review the lighting there. Officers would undertake a deep cleanse of the underpass and invite local ward Members and the Chairman and Deputy Chairman of the Port Health and Environmental Services Committee to visit. Members could then consider whether a programme for routine deep cleansing of the underpass would be feasible going forward.</p>
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5.	<p>26 March 2018 9 May 2018 29 May 2018 10 July 2018 26 July 2018</p>	<p><b>Wind Measurement on Tall Buildings</b></p> <p>Question – when will the promised "before and after construction" wind measurements on 20 Fenchurch St be made available.</p> <p>Officers advised that a number of extra trees had been planted outside 20 Fenchurch Street and agreed to produce a full report in due course of relevant and predicted readings.</p>	CPO	<p>19 June 2018  November 2018.</p>	<p>UPDATE: A report to be brought to the November meeting of the Committee.</p>
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